

FRANTI III HOLDINGS, LLC
1718 E. Speedway Blvd., #146
Tucson, Arizona 85719

July 16, 2019

City of Tucson Board of Adjustment
c/o Russlyn Wells, Zoning Administrator
Planning and Development Services Dept.
201 N. Stone Avenue
Tucson, AZ 85701

Re: Board of Adjustment Case C10-19-13
1525 N. Park Avenue

Dear Steven Shell, Chairman, and Members of the City of Tucson Board of Adjustment:

Please be advised Franti III Holdings, LLC ("Franti") is the owner and developer of the completed improvement at 1525 N. Park Avenue, and thus, is the real party in interest to the appeal filed in the name of Rashad J. Stocker by the Phoenix attorney Jessie R. Callahan. Even though over the past two years the property was purchased, the prior improvements razed, and the parcel now fully redeveloped, we were not contacted by Mr. Callahan or his client or notified of these concerns until the information was more recently provided to us by the City of Tucson. There are a number of legal reasons why the appeal should be denied, many of which are self-evident.

I. FACTUAL BACKGROUND

While this C-2 zoned subject parcel was still owned by Russell C. Moore ("Moore"), and operated as the Wildcat Car Wash, the owner sought confirmation from the City it could be redeveloped as a Medical Marijuana Dispensary ("Dispensary"). After submitting the requisite information to the

City, on July 11, 2016, the Planning and Development Services Department issued confirmation the site conformed to the controlling ordinances. **(Attachment 1)** Although Moore decided not to pursue that redevelopment, this letter was disseminated to Franti as part of their marketing materials. Due to the fact this representation was of critical importance in the decision to purchase the site, Franti, through its license holder, Total Accountability Patient Care, sought and on February 8, 2017, received confirmation from the City the site met the criteria of all controlling ordinances for use as a Dispensary. **(Attachment 2)** Based upon this information, Franti acquired the property on May 18, 2017, paying as the purchase price \$590,000. **(Attachment 3)**

Due to the length of time required to prepare the unique development plans, Franti was required to obtain a reconfirmation that the property could be a Dispensary. After a re-review of the area and applicable codes, the City reassured Franti a Dispensary, in fact, could be constructed and issued the City's third Authorization Letter on March 9, 2018. **(Attachment 4)** Thereafter, Franti, under the trade name The Prime Leaf Dispensary, submitted its development package plan seeking approval to demolish existing improvements and redevelop the site as The Prime Leaf Dispensary. **(Attachment 5)**

On June 12, 2018, the City of Tucson issued the initial permit authorizing site grading **(Attachment 6)** and on July 7, 2018, permits were issued for the construction of the now existing improvements. **(Attachment 7)** Now, the redevelopment and City approvals have been completed and even a Certificate of Occupancy has been issued by the City of Tucson. **(Attachment 8)** In addition to paying the acquisition price of \$590,000, Franti has invested

\$1,092,585.67 since March, 2018, in the redevelopment of the property. **(Attachment 9)**

Throughout this prolonged period, where the site work was visible to anyone that cared, the attorney, acting on behalf of Rashad J. Stocker has been lying in the weeds since before the City's Authorization Letter to Franti on March 9, 2018. Thus, this current appeal has been filed by one aware of prior approvals issued by the City of Tucson, aware of the applications for development plan approval, aware of the ongoing construction and aware that all construction and City approvals have now been completed. At least since February 23, 2018, the attorney, Jessie R. Callahan, has been communicating with the City regarding the issuance of a Medical Marijuana Dispensary Authorization Letter for the property at 1525 N. Park Avenue. **(Attachment 10)**

II. UNREASONABLE DELAY

The reason the chronology is important is because it is not only just unfair, but in violation of fundamental rights prescribed by statute which prevents a third-party from unreasonably delaying before seeking an official interpretation and thereafter appealing to the Board of Adjustment. The authority of all municipal Boards of Adjustment are controlled by A.R.S. § 9-462.06. Fundamentally, the Board of Adjustment can decide appeals from the decision of the Zoning Administrator, but a third-party must seek this determination "within a reasonable time." A.R.S. § 9-462.06(D).

If an appeal had been timely filed, it would have served to preclude the City of Tucson from approving the previous site plan or development plan, issuing grading permits, or issuing building permits. The Tucson Code § 23A-61(8) holds that no permits or development approvals, including even

inspections, shall be issued “while an appeal is pending before the board of adjustment”

This delay implicates the legal doctrine of laches, which raises the question of inequity where one has delayed pursuing a claim, thereby allowing another party to proceed to their prejudice. Laches is a doctrine recognized in Arizona law, and it has been applied in zoning cases, including the timing of appeals to the Board of Adjustment. Once two elements are found, (1) the lack of diligence on the part of one pursuing a claim and, (2) an exacerbated injury to the one that has preceded, the claim or the appeal should be denied.¹ Because of the Petitioner’s delay, all work has now been completed; there is nothing further for the City of Tucson to approve. Over 1.5 Million Dollars has been expended to construct a special use facility (**Attachments 11a., b., and c.**)

III. DEFERENCE TO THE CITY OF TUCSON’S INTERPRETATION

The City of Tucson has adopted various ordinances, presumably written by City of Tucson employees, to fulfill policies it seeks to achieve. Who better than the City of Tucson is qualified to interpret the goals intended to be met?

On July 11, 2016, City of Tucson concluded the property at 1525 N. Park Avenue “complied with Ordinance No. 10850, 11199, and 11346.” Twice hereafter, on February 8, 2017 and March 9, 2018, the City of Tucson again concluded the property complied with these three ordinances. For more than three years the City has been steadfast in its interpretation, concluding the decision the site complies with these controlling ordinances.

¹ Due to the fact the legal arguments need to be part of the record before the Board of Adjustment, but to continue the flow of this narrative, a separate legal memorandum on the doctrine of laches, on the standard of review and on standing to even bring this appeal, all discussed *infra*, is attached as Exhibit A.

Although it is discussed further in the attached legal memorandum, well-reasoned judicial decisions conclude that if there is any ambiguity or uncertainty regarding the application of an ordinance, the interpretation “be strictly construed in favor of the property owner.” Arizona law also recognizes that great weight must be given to the construction of the zoning ordinance by the officials charged with the duty of enforcing them.

What the Courts are explaining is that in the absence of zoning regulations everyone could use their property in any manner short of rising to the level of a common law nuisance.² Zoning controls limit what one might have been able to do under the common law, thus, the Arizona Supreme Court has provided us guidance on how to interpret zoning ordinances:

Zoning ordinances, being in delegation of common law property rights, will be strictly construed and any ambiguity or uncertainty decided in favor of property owners.

Kubby v. Hammond, 68 Ariz. 17, 198 P.2d (1948).

Of equal importance due to the fact the City of Tucson has interpreted the controlling ordinances and over three years has remained steadfast in those interpretations, once again, our courts have provided guidance. The interpretation of ordinances by those charged with a duty of administering and enforcing them are “particularly persuasive and should be adopted.” *Peabody v. City of Phoenix*, 18 Ariz. App. 56, 485 P.2d 565 (1971).

A. There’s No Church Within 1,000 Feet.

Ordinance No. 11346 amends the Unified Development Code adopting certain standards for various uses. A Medical Marijuana Dispensary must meet a setback of 1,000 feet from a church. The ordinance specifies a church

² One cannot seriously contend a use, approved by a majority of voters in November, 2010, is a common law nuisance.

is “a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, or other architectural features.”

The property at 1038 E. Lester Street is a residence owned by Thomas and Patricia Cox. **(Attachment 12)** It was purchased as a residence, and is used primarily as a residence. While all of us should be respectful of each individual’s religious followings, the mere fact that the owners of this residential property are Buddhists and willing to provide instruction to others on Buddhism, does not make it a church. Various photographs posted on the website for the Drikung Dzogchen Center of Arizona show that it is merely a residence, not a place of public accommodation that is contemplated as one that would meet the definition of a church. **(Attachments 13 a., b. and c.)**

No reasonable person would conclude the structure designed as a residence on a 6,000 sq. ft. size parcel, used primarily as a residence, constitutes a church by reason of its design or other architectural features. It is occupied by one holding a strong belief in the Buddhist faith, and nothing more.

B. The COPE Facility Provides Residential Services for the Mentally Ill.

Likewise, Ordinance No. 11346 prevents a Medical Marijuana Dispensary from being within 2,000 feet from “a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility.” The City of Tucson properly concluded the subject property meets this requirement because the COPE facility is not approved as a residential substance abuse treatment or rehabilitation facility.

COPE Behavioral Services, Inc. ("COPE") acquired the property at 535 E. Drachman on June 24, 1997. Prior to COPE's purchase, it was owned by Catholic Community Services of Arizona and used as a group home for nuns. COPE was required to provide to the City specific information to confirm zoning and building code compliance. While COPE provides an array of services at various other COPE owned facilities, it avowed to the City this facility would be for mental health residential services. COPE submitted a letter to the City's Zoning Administrator stating:

COPE has utilized this property for short term general mental health residential services for seriously mental[ly] ill and general mental[ly ill] adult clients. (error in original)

(**Attachment 14**) Thus, the City of Tucson's approval of that site is predicated upon those representations. (**Attachment 15**) There is no evidence of any further change in use.

IV. LACK OF STANDING

Common sense tells us when government adopts ordinances, its employees are charged with the duty to enforce those provisions. It is for that reason the governmental entity's interpretation of its own ordinance is highly persuasive. Before a third-party, one not subject to the regulation, can challenge that interpretation; it must be a "person aggrieved" in order to do so. This standard is required by statute. A.R.S. § 9-462.06(D). There is significant caselaw discussed in the attached legal memorandum (Exhibit A) that establishes the minimum threshold before a private or third-party can challenge a zoning enforcement interpretation. For example, if one is not an adjacent property owner, they must demonstrate some special harm particular to himself, that is different from that experienced by other residents in general.

While the Appeal was filed in the name of Rashid J. Stocker, there is no information whatsoever in the Appeal supporting a conclusion the Appellant suffers some injury different from that which could be alleged by anyone else constituting the general public. Even examining other documents prepared by the Phoenix attorney, Jessie Calahan, and examining the “Draft Complaint”,³ it is explained that Rashid J. Stocker is an individual who lives at 1336 N. Second Avenue. Draft Complaint, ¶ 1. But that property is not owned by Rashid J. Stocker, it is owned by Antonio Paniagua, and is merely a four-plex of rental units. (**Attachment 16**) Moreover, the distance separating this rental unit and the Franti property is approximately 1,582 feet. (**Attachment 17**) Certainly not an adjacent property owner, and hardly one that could have an injury different from the concerns of any other property owner in the general community.

The suspicious nature of this Appellant, though, goes beyond just distance between the rental unit and the subject property; there is a question as to whether Mr. Stocker even resides there, inasmuch as the Department of Motor Vehicles has a different opinion; his driver’s license indicates he resides at 2521 W. Vereda Felicidad, Tucson, Arizona. (**Attachment 18**)

Finally, there is no explanation why an individual renter could, or even would, bear the expense for a Phoenix attorney to pursue inquiries over a two-year period of time, advance an Appeal of the Zoning Administrator’s decision, and threaten litigation once this Appeal is denied. It is highly suggestive Mr. Stocker is not truly the one behind this matter, but there are other competing business interests afoot (or afoul). There is no evidence presented at all that Rashid J. Stocker meets the legal standard to bring this appeal.

³ The Phoenix attorney presumes this Appeal will be denied by the Board of Adjustment, thus, necessitating a Superior Court appeal.

CONCLUSION

While there are a variety of reasons the Appeal should be denied and the Zoning Administrator's interpretation upheld, it is respectfully submitted the motion made by the Board of Adjustment should acknowledge (a) the unreasonable delay in initiating the Appeal, (b) Franti's reliance having expended more than 1.5 million dollars after the City of Tucson re-confirmed the site's compliance with the controlling ordinances, (c) the apparent lack of standing on the part of Rashid J. Stocker, and (d) that the Zoning Administrators' interpretation is reasonable and well founded. All these grounds should form the basis for the Board's decision.

Respectfully submitted,

/s/ Michael J. Crawford

Michael J. Crawford

Managing Member

Franti III Holdings, LLC

ATTACHMENT 1



CITY OF
TUCSON

PLANNING AND
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

July 11, 2016

Cyrus Moore
Medmar Tucson Central, LLC
2462 N. Park Avenue
Tucson AZ 85719

Subject: Medical Marijuana Authorization Letter
1525 N. Park Avenue
Parcel ID No. 123-150-70A & 123-15-0720
CHAA: 108 Zoning: C-2 Activity #: T16SA00206

Dear Moore:

Planning and Development Services Department (PDSD) has reviewed the materials provided with the application for a proposed Medical Marijuana Dispensary Location at 1525 N. Park Avenue as regulated by City of Tucson Ordinance No. 10850, 11199, and 11346. Based on the information you have provided the subject site is in general compliance with Ordinance No. 10850, 11199, and 11346.

This letter will provide authorization for proceeding with all required permits necessary to comply with City regulations and will vest the subject site as a Medical Marijuana Dispensary Location for City of Tucson purposes for one (1) year from the date of this letter. The subject site will be considered to be fully vested upon issuance of an Arizona Department of Health Services (ADHS) Certification and issuance of applicable City of Tucson building permits.

Zoning compliance is specifically contingent upon ADHS approval of your application. The City of Tucson is aware of other applications for zoning approval within the subject CHAA. Prior approval of any Medical Marijuana dispensary(ies), by ADHS, whose location would be within 2000 feet of your proposed dispensary, or which would result in no further approval of dispensaries within the CHAA, pursuant to ADHS regulations, would render this approval null and void.

NOTICE: The information provided herein is solely related to compliance with the City of Tucson land use regulations. Nothing herein is intended to express any opinion regarding compliance with federal or state laws or any lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized agency.

Sincerely,

Carolyn Laurie
Principle Planner
City of Tucson - Planning and Development Services Department

C: Piroshka Glinsky, City Attorney's Office



ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

DOCUMENTATION OF COMPLIANCE WITH LOCAL JURISDICTION ZONING

TO BE COMPLETED BY AN AUTHORIZED REPRESENTATIVE OF THE LOCAL JURISDICTION
IN WHICH THE PROPOSED DISPENSARY IS LOCATED.

Name of Individual or Entity Applying for a Dispensary Registration Certificate: Medmar Tucson Central LLC			
Physical Address of Proposed Dispensary: 1525 N. Park Ave			
City: TUCSON	County: PIMA	State: AZ	Zip Code: 85719
Legal Description of the Property: 123 -15 -070 A			
Name of Local Jurisdiction: City of Tucson			

☐ There are no local zoning restrictions for a proposed dispensary at the above location.

OR

☒ The location of the proposed dispensary is in compliance with local zoning restrictions related to where a dispensary may be located.

Principal Planner **TSA-00206**
TITLE OF THE AUTHORIZED REPRESENTATIVE OF THE LOCAL JURISDICTION

CAROLYN LAURIE **520-837-4953**
PRINTED NAME TELEPHONE NUMBER

Carolyn Laurie **7/14/2010**
SIGNATURE DATE SIGNED



ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

DOCUMENTATION OF PROPERTY OWNERSHIP

TO BE COMPLETED BY THE OWNER OF THE PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY.

Name of Individual or Entity Applying for a Dispensary Registration Certificate: Medmar Tucson Central LLC			
Name of Owner of the Physical Address of the Proposed Dispensary: Russell Moore			
Physical Address of Proposed Dispensary: 1525 N. Park Ave			
City: Tucson	County: PIMA	State: AZ	Zip Code: 85719
Legal Description of the Property: 123-15-070A			

☐ The individual or entity applying for a Dispensary Registration Certificate is the owner of the physical address of the proposed dispensary.

OR

☒ The owner of the physical address of the proposed dispensary gives permission to the individual or entity applying for a Dispensary Registration Certificate to operate a dispensary at the physical address.

<u>Russell Moore</u> PROPERTY OWNER NAME	<u>Owner</u> TITLE
<u>[Signature]</u> PROPERTY OWNER SIGNATURE	<u>7/14/16</u> DATE SIGNED

ATTACHMENT 2



CITY OF
TUCSON

PLANNING AND
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

February 08, 2017

David Basila
Total Accountability Patient Care, Inc
1718 E. Speedway Blvd #146
Tucson AZ 85719

Subject: Medical Marijuana Authorization Letter
1525 N. Park Avenue
Parcel ID No. 123-150-70A & 123-15-0720
CHAA: 108 Zoning: C-2 Activity #: T17SA00033

Dear Basila:

Planning and Development Services Department (PDSD) has reviewed the materials provided with the application for a proposed Medical Marijuana Dispensary Location at 1525 N. Park Avenue as regulated by City of Tucson Ordinance No. 10850, 11199, and 11346. Based on the information you have provided the subject site is in general compliance with Ordinance No. 10850, 11199, and 11346 and is subject to the conditions of approval below.

This letter will provide authorization for proceeding with all required permits necessary to comply with City regulations and will vest the subject site as a Medical Marijuana Dispensary Location for City of Tucson purposes for one (1) year from the date of this letter. The subject site will be considered to be fully vested upon issuance of an Arizona Department of Health Services (ADHS) Certification and issuance of applicable City of Tucson building permits.

Zoning compliance is specifically contingent upon ADHS approval of your application. The City of Tucson is aware of other applications for zoning approval within the subject CHAA. Prior approval of any Medical Marijuana dispensary(ies), by ADHS, whose location would be within 2000 feet of your proposed dispensary, or which would result in no further approval of dispensaries within the CHAA, pursuant to ADHS regulations, would render this approval null and void.

Conditions of approval:

1. Provide a copy of this approval letter when submitting for Tenant Improvement Plans.
2. The submittal and approval of an odor mitigation plan which include additional HVAC controls and/or air scrubbers during the Tenant Improvement Plans.

NOTICE: The information provided herein is solely related to compliance with the City of Tucson land use regulations. Nothing herein is intended to express any opinion regarding compliance with federal or state laws or any lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized agency.

Sincerely,

Carolyn Laurie
Principle Planner
City of Tucson - Planning and Development Services Department

C: Piroshka Glinsky, City Attorney's Office

ATTACHMENT 3

RECORDING REQUESTED BY:
Title Security Agency, LLC
AND WHEN RECORDED MAIL TO:
Franti III Holdings, LLC, an Arizona
limited liability company
1718 E. Speedway #146
Tucson, AZ 85719

* E RECORDING * Page 1 of 3



SEQUENCE: 20171420290
No. Pages: 3
5/22/2017 2:43 PM

F. ANN RODRIGUEZ, RECORDER
Recorded By: JSH(e-recording)



ESCROW NO.: 600-81206-DP
600-81206-DP

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I or we,

Russell C. Moore, a married man who acquired title as a single man

do/does hereby convey to

Franti III Holdings, LLC, an Arizona limited liability company

the following real property situated in **Pima County, Arizona:**


See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

Dated: May 18, 2017

Grantor(s):

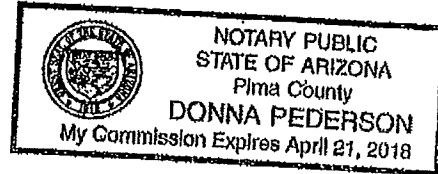

Russell C. Moore

Escrow No.: 600-81206-DP

State of Arizona }ss:
County of Pima

On this 19 day of May, 2017, before me,
The Undersigned
a Notary Public in and for said County and State, personally
appeared
Russell C. Moore
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument
WITNESS my hand and official seal.

FOR NOTARY SEAL OR STAMP



Notary Public: Donna Pederson

My Commission Expires: 4-21-18

Escrow No.: 600-81206-DP

EXHIBIT "A"

Lots 3, 4 and 5, Block 7 of UNIVERSITY HOME ADDITION to the City of Tucson, Pima County, Arizona, according to the map of record in the office of the County Recorder, in Book 1 of Maps, page 16;

Except that portion conveyed to the City of Tucson, a municipal corporation in Docket 3131, page 183.

AFFIDAVIT OF PROPERTY VALUE

1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(S)

Primary Parcel: 123-15-070A

BOOK MAP PARCEL SPLIT

Does this sale include any parcels that are being split / divided?

Check one: Yes ☐ No ☒

How many parcels, other than the Primary Parcel, are included in this sale? 1

Please list the additional parcels below (attach list if necessary):

(1) 123-15-0720 (2) 123-15-070A
(3) _____ (4) _____

2. SELLER'S NAME AND ADDRESS:

Russell C. Moore

2414 E. Prince Road

Tucson, AZ 85719

3. (a) BUYER'S NAME AND ADDRESS:

Franti III Holdings, LLC, an Arizona limited liability company

1718 E. Speedway #146

Tucson, AZ 85719

(b) Are the Buyer and Seller related? Yes ☐ No ☒

If Yes, state relationship:

4. ADDRESS OF PROPERTY:

1525 N. Park Avenue & 920 E. Lee Street

Tucson, AZ 85719

5. (a) MAIL TAX BILL TO: (Taxes due even if no bill received)

Franti III Holdings, LLC, an Arizona limited liability company

1718 E. Speedway #146

Tucson, AZ 85716

(b) Next tax payment due October 1, 2017

6. PROPERTY TYPE (for Primary Parcel): NOTE: Check Only One Box

- a. ☐ Vacant Land f. ☒ Commercial or Industrial Use
b. ☐ Single Family Residence g. ☐ Agricultural
c. ☐ Condo or Townhouse h. ☐ Mobile or Manufactured Home
d. ☐ 2-4 Plex ☐ Affixed ☐ Not Affixed
e. ☐ Apartment Building i. ☐ Other Use; Specify _____

7. RESIDENTIAL BUYER'S USE: If you checked b, c, d or h in Item 6 above, please check one of the following:

- ☐ To be used as a primary residence
☐ To be rented to someone other than a "qualified family member."
☐ To be used as a non-primary or secondary residence.

See reverse side for definition of a "primary residence," "secondary residence" or "family member."

8. If you checked e or f in Item 6 above, indicate the number of units: _____

For Apartments, Motels / Hotels, Mobile Home / RV Parks, etc.

9. TYPE OF DEED OR INSTRUMENT (Check Only One Box):

- a. ☐ Warranty Deed d. ☐ Contract of Sale
b. ☒ Special Warranty Deed e. ☐ Quit Claim Deed
c. ☐ Joint Tenancy Deed f. ☐ Other: _____

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

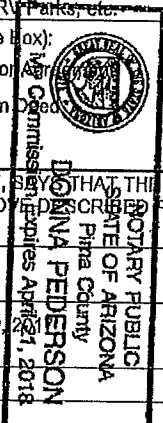
Signature of Seller / Agent

State of Arizona, County of Pima

Subscribed and sworn to before me this 29 day of May, 2017

Notary Public

Notary Expiration Date 4-21-18



(a) County of Recordation: PIMA

(b) Date of Recording: 5/22/2017

(c) Fee/Recording Number: 20171420290



10. SALE PRICE

\$ 590000 00

11. DATE OF SALE (Numeric Digits): 01 / 2017

Month / Year

12. DOWN PAYMENT

\$ 590000 00

13. METHOD OF FINANCING

- a. ☒ Cash (100% of Sale Price) e. ☐ New loan(s) from financial institution
b. ☐ Barter or trade (1) ☐ Conventional
c. ☐ Assumption of existing loan(s) (2) ☐ VA
d. ☐ Seller Loan (Carryback) (3) ☐ FHA
f. ☐ Other financing; Specify: _____

14. PERSONAL PROPERTY (see reverse side for definition):

(a) Did the Sale Price in Item 10 include Personal Property that impacted the Sale Price by 5 percent or more? Yes ☐ No ☒

(b) If Yes, provide the dollar amount of the Personal Property:

\$ 00 AND

briefly describe the Personal Property: _____

15. PARTIAL INTEREST: If only a partial ownership interest is being sold,

briefly describe the partial interest: _____

16. SOLAR / ENERGY EFFICIENT COMPONENTS:

(a) Did the Sale Price in Item 10 include solar energy devices, energy efficient building components, renewable energy equipment or combined heat and power systems that impacted the Sale Price by 5 percent or more? Yes ☐ No ☒

If Yes, briefly describe the solar / energy efficient components: _____

17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone Number):

Title Security Agency, LLC

2890 E. Skyline, Suite 200

Tucson, AZ 85718

(520)529-0506

18. LEGAL DESCRIPTION (attach copy if necessary):

See Exhibit "A" attached hereto and made a part hereof.

Signature of Buyer/Agent

State of Arizona, County of Pima

Subscribed and sworn to before me this 29 day of May, 2017

Notary Public

Notary Expiration Date 4-21-18

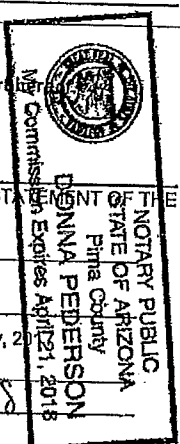
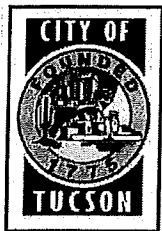


EXHIBIT "A"

Lots 3, 4 and 5, Block 7 of UNIVERSITY HOME ADDITION to the City of Tucson, Pima County, Arizona, according to the map of record in the office of the County Recorder, in Book 1 of Maps, page 16;

Except that portion conveyed to the City of Tucson, a municipal corporation in Docket 3131, page 183.

ATTACHMENT 4



CITY OF
TUCSON

PLANNING AND
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

March 9, 2018

David Basila
Total Accountability Patient Care, Inc.
1718 E. Speedway Blvd #146
Tucson AZ 85719

Subject: Medical Marijuana Authorization Letter
1525 N. Park Avenue
Parcel ID No. 123-15-070B
CHAA: 108 Zoning: C-2 Activity #: T18SA00085

Dear Basila:

Planning and Development Services Department (PDSD) has reviewed the materials provided with the application for a proposed Medical Marijuana Dispensary Location at 1525 N. Park Avenue as regulated by City of Tucson Ordinance No. 10850, 11199, and 11346. Based on the information you have provided the subject site is in general compliance with Ordinance No. 10850, 11199, and 11346.

This letter provides authorization for proceeding with all required permits necessary to comply with City regulations and provisionally confirms suitability of the subject site as a Medical Marijuana Dispensary Location for City of Tucson purposes for one (1) year from the date of this letter. The subject site will only be approved upon the issuance of an Arizona Department of Health Services (ADHS) Certification and issuance of applicable City of Tucson building permits, within one (1) year from the date of this letter.

Zoning compliance is specifically contingent upon ADHS approval of your transfer application. Approval of any Medical Marijuana dispensary(ies), by ADHS and issuance of applicable City of Tucson building permits, whose location would be within 2000 feet of your proposed dispensary, or which would result in no further approval of dispensaries within the CHAA, pursuant to ADHS regulations, would render this approval null and void.

Conditions:

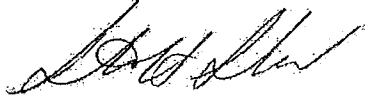
- 1. Submittal and approval of an odor mitigation plan including additional HVAC controls and/or air scrubbers is required. This plan will need to be submitted with the Tenant Improvement plans.**
- 2. Provide a copy of this letter with you Tenant Improvement plans.**

NOTICE: The information provided herein is solely related to compliance with the City of Tucson land use regulations. Nothing herein is intended to express any opinion

PUBLIC WORKS BUILDING • 201 N. STONE • P.O. BOX 27210 • TUCSON, AZ 85726-7210
Telephone: (520) 791-5550 Website: www.ci.tucson.az.us/dsd
Email: DSD_zoning_administration@tucsonaz.gov

regarding compliance with federal or state laws or any lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized agency.

Sincerely,



Steve Shields

Principal Planner

City of Tucson - Planning and Development Services Department

C: Piroschka Glinsky, City Attorney's Office

ATTACHMENT 5

1525 North Park Avenue
Tucson, Arizona 85719



CMArchitect, Inc.
11598 W Rock Village Street
Marana, Arizona 85858
chuck@cmarchitect-inc.com
520.868.4245



Dispensary

1525 North Park Ave
Tucson, Arizona 85719

APPROVED
M. B. B. B. B. 7.11.18
Fire Prevention

**CITY OF TUCSON SIGNED PLANS
MUST BE KEPT ON
JOB AT ALL TIMES**
Planning & Development Services Dept

REVISIONS

THESE DOCUMENTS ARE INSTRUMENTS
OF SERVICE AND PROTECTED BY
COPYRIGHT. THESE DOCUMENTS ARE
NOT TO BE REPRODUCED OR USED FOR
PURPOSES OTHER THEN ORIGINALLY
INTENDED UNLESS AUTHORIZED, IN
WRITING BY CHUCK MEYER LLC.

DATE: 07.11.18

5

COVER SHEET

1505.03

Zoning Compliance Letter



March 9, 2018

David Basile
Total Accountability Patient Care, Inc.
1718 E. Speedway Blvd #146
Tucson AZ 85719

Subject: Medical Marijuana Authorization Letter
1525 N. Park Avenue
Parcel ID No, 123-15-070B
CHAA: 108 Zoning: C-2 Act

Dear Reader:

Planning and Development Services Department (PDSD) has reviewed the materials provided with the application for a proposed Medical Marijuana Dispensary Location at 1525 N. Park Avenue as regulated by City of Tucson Ordinance No. 10850, 11199, and 112346. Based on the information you have provided the subject site is in general compliance with Ordinance No. 10850, 11199, and 112346.

This letter provides authorization for proceeding with all required permits necessary to comply with City regulations and provisionally confirms suitability of the subject site as a Medical Marijuana Dispensary Location for City of Tucson purposes for one (1) year from the date of this letter. The subject site will only be approved upon the issuance of an Arizona Department of Health Services (ADHS) Certification and Issuance of a valid Temporary Use Permit from the City of Tucson. The expiration date of this applicable City of Tucson building permits, within one (1) year from the date of this

Zoning compliance is specifically contingent upon ADHS approval of your transfer application. Approval of any Medical Marijuana dispensary (m), by ADHS and issuance of a license for the dispensary, is required. The location of the dispensary must be within the applicable City of Tucson building permits, whose location would be within 2000 feet of the proposed dispensary, or which would result in no further approval of dispensaries within the CHA, pursuant to ADHS regulations, would render this dispensary non-compliant.

Conditions:

1. Submittal and approval of an odor mitigation plan including additional HVAC controls and/or air scrubbers is required. This plan will need to be submitted with the Tenant Improvement plans.

Provide a means of this letter with the Tenant Improvement plans.

NOTICE: The information provided herein is solely related to compliance with the City of Tucson land use regulations. Nothing herein is intended to express any opinion.

PUBLIC WORKS BUILDING 261 N. STONE, P.O. BOX 27210 • TUCSON, AZ 85726-7210
Telephone: (520) 791-5550 Website: www.ci.tucson.az.us/dad
Email: PSD_xen@administration@tucson.az.us

Table 1 Demographic characteristics of study population

bioRxiv preprint doi: <https://doi.org/10.1101/2020.05.14.244101>; this version posted May 14, 2020. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

1

Index of Drawings

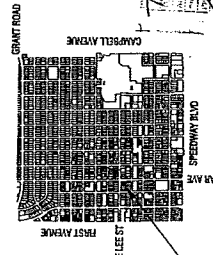
C1	CONCRETE PROJECT NOTES	D1	ARCHITECTURAL DETAILS	E1	ELECTRICAL SYMBOLS AND ABBREVIATIONS
X1	CODE ANALYSIS	S1	CONCRETE	E2	LIGHT FIXTURE SCHEDULES
X1.1	NOTES	GS1	GENERAL NOTES	E3	MECHANICAL PLAN
A1	ARCHITECTURAL SITE PLAN	GS2	GENERAL	E4	MECHANICAL POWER PLAN
A2	FLOOR PLAN	GS3	GENERAL	E5	ONE LINE DIAGRAM
A3	REFLECTED CEILING PLAN	GS4	SPECIAL INSPECTIONS	E6	MECHANICAL SCHEDULES
A4	ROOF PLAN	GS5	TYPICAL DETAILS	E7	OPERATIONS
A5	MECHANICAL PLAN	S2	STRUCTURAL DETAILS	E8	MECHANICAL SCHEDULES
A6	BUILDING ELEVATIONS	S3	STRUCTURAL SCHEDULES	E9	MECHANICAL POWER PLAN
A7	ENLARGED TOILET PLAN SCHEDULES	S4	STRUCTURAL DETAILS	E10	ONE LINE DIAGRAM
		S5	FRAMING DETAILS	E11	MECHANICAL SCHEDULES
		S6	FRAMING DETAILS	E12	MECHANICAL SCHEDULES
		S7	FRAMING DETAILS	E13	MECHANICAL SCHEDULES
		S8	FRAMING DETAILS	E14	MECHANICAL SCHEDULES
		S9	FRAMING DETAILS	E15	MECHANICAL SCHEDULES
		S10	FRAMING DETAILS	E16	MECHANICAL SCHEDULES
		S11	FRAMING DETAILS	E17	MECHANICAL SCHEDULES
		S12	FRAMING DETAILS	E18	MECHANICAL SCHEDULES
		S13	FRAMING DETAILS	E19	MECHANICAL SCHEDULES
		S14	FRAMING DETAILS	E20	MECHANICAL SCHEDULES
		S15	FRAMING DETAILS	E21	MECHANICAL SCHEDULES
		S16	FRAMING DETAILS	E22	MECHANICAL SCHEDULES
		S17	FRAMING DETAILS	E23	MECHANICAL SCHEDULES
		S18	FRAMING DETAILS	E24	MECHANICAL SCHEDULES
		S19	FRAMING DETAILS	E25	MECHANICAL SCHEDULES
		S20	FRAMING DETAILS	E26	MECHANICAL SCHEDULES
		S21	FRAMING DETAILS	E27	MECHANICAL SCHEDULES
		S22	FRAMING DETAILS	E28	MECHANICAL SCHEDULES
		S23	FRAMING DETAILS	E29	MECHANICAL SCHEDULES
		S24	FRAMING DETAILS	E30	MECHANICAL SCHEDULES
		S25	FRAMING DETAILS	E31	MECHANICAL SCHEDULES
		S26	FRAMING DETAILS	E32	MECHANICAL SCHEDULES
		S27	FRAMING DETAILS	E33	MECHANICAL SCHEDULES
		S28	FRAMING DETAILS	E34	MECHANICAL SCHEDULES
		S29	FRAMING DETAILS	E35	MECHANICAL SCHEDULES
		S30	FRAMING DETAILS	E36	MECHANICAL SCHEDULES
		S31	FRAMING DETAILS	E37	MECHANICAL SCHEDULES
		S32	FRAMING DETAILS	E38	MECHANICAL SCHEDULES
		S33	FRAMING DETAILS	E39	MECHANICAL SCHEDULES
		S34	FRAMING DETAILS	E40	MECHANICAL SCHEDULES
		S35	FRAMING DETAILS	E41	MECHANICAL SCHEDULES
		S36	FRAMING DETAILS	E42	MECHANICAL SCHEDULES
		S37	FRAMING DETAILS	E43	MECHANICAL SCHEDULES
		S38	FRAMING DETAILS	E44	MECHANICAL SCHEDULES
		S39	FRAMING DETAILS	E45	MECHANICAL SCHEDULES
		S40	FRAMING DETAILS	E46	MECHANICAL SCHEDULES
		S41	FRAMING DETAILS	E47	MECHANICAL SCHEDULES
		S42	FRAMING DETAILS	E48	MECHANICAL SCHEDULES
		S43	FRAMING DETAILS	E49	MECHANICAL SCHEDULES
		S44	FRAMING DETAILS	E50	MECHANICAL SCHEDULES
		S45	FRAMING DETAILS	E51	MECHANICAL SCHEDULES
		S46	FRAMING DETAILS	E52	MECHANICAL SCHEDULES
		S47	FRAMING DETAILS	E53	MECHANICAL SCHEDULES
		S48	FRAMING DETAILS	E54	MECHANICAL SCHEDULES
		S49	FRAMING DETAILS	E55	MECHANICAL SCHEDULES
		S50	FRAMING DETAILS	E56	MECHANICAL SCHEDULES
		S51	FRAMING DETAILS	E57	MECHANICAL SCHEDULES
		S52	FRAMING DETAILS	E58	MECHANICAL SCHEDULES
		S53	FRAMING DETAILS	E59	MECHANICAL SCHEDULES
		S54	FRAMING DETAILS	E60	MECHANICAL SCHEDULES
		S55	FRAMING DETAILS	E61	MECHANICAL SCHEDULES
		S56	FRAMING DETAILS	E62	MECHANICAL SCHEDULES
		S57	FRAMING DETAILS	E63	MECHANICAL SCHEDULES
		S58	FRAMING DETAILS	E64	MECHANICAL SCHEDULES
		S59	FRAMING DETAILS	E65	MECHANICAL SCHEDULES
		S60	FRAMING DETAILS	E66	MECHANICAL SCHEDULES
		S61	FRAMING DETAILS	E67	MECHANICAL SCHEDULES
		S62	FRAMING DETAILS	E68	MECHANICAL SCHEDULES
		S63	FRAMING DETAILS	E69	MECHANICAL SCHEDULES
		S64	FRAMING DETAILS	E70	MECHANICAL SCHEDULES
		S65	FRAMING DETAILS	E71	MECHANICAL SCHEDULES
		S66	FRAMING DETAILS	E72	MECHANICAL SCHEDULES
		S67	FRAMING DETAILS	E73	MECHANICAL SCHEDULES
		S68	FRAMING DETAILS	E74	MECHANICAL SCHEDULES
		S69	FRAMING DETAILS	E75	MECHANICAL SCHEDULES
		S70	FRAMING DETAILS	E76	MECHANICAL SCHEDULES
		S71	FRAMING DETAILS	E77	MECHANICAL SCHEDULES
		S72	FRAMING DETAILS	E78	MECHANICAL SCHEDULES
		S73	FRAMING DETAILS	E79	MECHANICAL SCHEDULES
		S74	FRAMING DETAILS	E80	MECHANICAL SCHEDULES
		S75	FRAMING DETAILS	E81	MECHANICAL SCHEDULES
		S76	FRAMING DETAILS	E82	MECHANICAL SCHEDULES
		S77	FRAMING DETAILS	E83	MECHANICAL SCHEDULES
		S78	FRAMING DETAILS	E84	MECHANICAL SCHEDULES
		S79	FRAMING DETAILS	E85	MECHANICAL SCHEDULES
		S80	FRAMING DETAILS	E86	MECHANICAL SCHEDULES
		S81	FRAMING DETAILS	E87	MECHANICAL SCHEDULES
		S82	FRAMING DETAILS	E88	MECHANICAL SCHEDULES
		S83	FRAMING DETAILS	E89	MECHANICAL SCHEDULES
		S84	FRAMING DETAILS	E90	MECHANICAL SCHEDULES
		S85	FRAMING DETAILS	E91	MECHANICAL SCHEDULES
		S86	FRAMING DETAILS	E92	MECHANICAL SCHEDULES
		S87	FRAMING DETAILS	E93	MECHANICAL SCHEDULES
		S88	FRAMING DETAILS	E94	MECHANICAL SCHEDULES
		S89	FRAMING DETAILS	E95	MECHANICAL SCHEDULES
		S90	FRAMING DETAILS	E96	MECHANICAL SCHEDULES
		S91	FRAMING DETAILS	E97	MECHANICAL SCHEDULES
		S92	FRAMING DETAILS	E98	MECHANICAL SCHEDULES
		S93	FRAMING DETAILS	E99	MECHANICAL SCHEDULES
		S94	FRAMING DETAILS	E100	MECHANICAL SCHEDULES
		S95	FRAMING DETAILS	E101	MECHANICAL SCHEDULES
		S96	FRAMING DETAILS	E102	MECHANICAL SCHEDULES
		S97	FRAMING DETAILS	E103	MECHANICAL SCHEDULES
		S98	FRAMING DETAILS	E104	MECHANICAL SCHEDULES
		S99	FRAMING DETAILS	E105	MECHANICAL SCHEDULES
		S100	FRAMING DETAILS	E106	MECHANICAL SCHEDULES
		S101	FRAMING DETAILS	E107	MECHANICAL SCHEDULES
		S102	FRAMING DETAILS	E108	MECHANICAL SCHEDULES
		S103	FRAMING DETAILS	E109	MECHANICAL SCHEDULES
		S104	FRAMING DETAILS	E110	MECHANICAL SCHEDULES
		S105	FRAMING DETAILS	E111	MECHANICAL SCHEDULES
		S106	FRAMING DETAILS	E112	MECHANICAL SCHEDULES
		S107	FRAMING DETAILS	E113	MECHANICAL SCHEDULES
		S108	FRAMING DETAILS	E114	MECHANICAL SCHEDULES
		S109	FRAMING DETAILS	E115	MECHANICAL SCHEDULES
		S110	FRAMING DETAILS	E116	MECHANICAL SCHEDULES
		S111	FRAMING DETAILS	E117	MECHANICAL SCHEDULES
		S112	FRAMING DETAILS	E118	MECHANICAL SCHEDULES
		S113	FRAMING DETAILS	E119	MECHANICAL SCHEDULES
		S114	FRAMING DETAILS	E120	MECHANICAL SCHEDULES
		S115	FRAMING DETAILS	E121	MECHANICAL SCHEDULES
		S116	FRAMING DETAILS	E122	MECHANICAL SCHEDULES
		S117	FRAMING DETAILS	E123	MECHANICAL SCHEDULES
		S118	FRAMING DETAILS	E124	MECHANICAL SCHEDULES
		S119	FRAMING DETAILS	E125	MECHANICAL SCHEDULES
		S120	FRAMING DETAILS	E126	MECHANICAL SCHEDULES
		S121	FRAMING DETAILS	E127	MECHANICAL SCHEDULES
		S122	FRAMING DETAILS	E128	MECHANICAL SCHEDULES
		S123	FRAMING DETAILS	E129	MECHANICAL SCHEDULES
		S124	FRAMING DETAILS	E130	MECHANICAL SCHEDULES
		S125	FRAMING DETAILS	E131	MECHANICAL SCHEDULES
		S126	FRAMING DETAILS	E132	MECHANICAL SCHEDULES
		S127	FRAMING DETAILS	E133	MECHANICAL SCHEDULES
		S128	FRAMING DETAILS	E134	MECHANICAL SCHEDULES
		S129	FRAMING DETAILS	E135	MECHANICAL SCHEDULES
		S130	FRAMING DETAILS	E136	MECHANICAL SCHEDULES
		S131	FRAMING DETAILS	E137	MECHANICAL SCHEDULES
		S132	FRAMING DETAILS	E138	MECHANICAL SCHEDULES
		S133	FRAMING DETAILS	E139	MECHANICAL SCHEDULES
		S134	FRAMING DETAILS	E140	MECHANICAL SCHEDULES
		S135	FRAMING DETAILS	E141	MECHANICAL SCHEDULES
		S136	FRAMING DETAILS	E142	MECHANICAL SCHEDULES
		S137	FRAMING DETAILS	E143	MECHANICAL SCHEDULES
		S138	FRAMING DETAILS	E144	MECHANICAL SCHEDULES
		S139	FRAMING DETAILS	E145	MECHANICAL SCHEDULES
		S140	FRAMING DETAILS	E146	MECHANICAL SCHEDULES
		S141	FRAMING DETAILS	E147	MECHANICAL SCHEDULES
		S142	FRAMING DETAILS	E148	MECHANICAL SCHEDULES
		S143	FRAMING DETAILS	E149	MECHANICAL SCHEDULES
		S144	FRAMING DETAILS	E150	MECHANICAL SCHEDULES
		S145	FRAMING DETAILS	E151	MECHANICAL SCHEDULES
		S146	FRAMING DETAILS	E152	MECHANICAL SCHEDULES
		S147	FRAMING DETAILS	E153	MECHANICAL SCHEDULES
		S148	FRAMING DETAILS	E154	MECHANICAL SCHEDULES
		S149	FRAMING DETAILS	E155	MECHANICAL SCHEDULES
		S150	FRAMING DETAILS	E156	MECHANICAL SCHEDULES
		S151	FRAMING DETAILS	E157	MECHANICAL SCHEDULES
		S152	FRAMING DETAILS	E158	MECHANICAL SCHEDULES
		S153	FRAMING DETAILS	E159	MECHANICAL SCHEDULES
		S154	FRAMING DETAILS	E160	MECHANICAL SCHEDULES
		S155	FRAMING DETAILS	E161	MECHANICAL SCHEDULES
		S156	FRAMING DETAILS	E162	MECHANICAL SCHEDULES
		S157	FRAMING DETAILS	E163	MECHANICAL SCHEDULES
		S158	FRAMING DETAILS	E164	MECHANICAL SCHEDULES
		S159	FRAMING DETAILS	E165	MECHANICAL SCHEDULES
		S160	FRAMING DETAILS	E166	MECHANICAL SCHEDULES
		S161	FRAMING DETAILS	E167	MECHANICAL SCHEDULES
		S162	FRAMING DETAILS	E168	MECHANICAL SCHEDULES
		S163	FRAMING DETAILS	E169	MECHANICAL SCHEDULES
		S164	FRAMING DETAILS	E170	MECHANICAL SCHEDULES
		S165	FRAMING DETAILS	E171	MECHANICAL SCHEDULES
		S166	FRAMING DETAILS	E172	MECHANICAL SCHEDULES
		S167	FRAMING DETAILS	E173	MECHANICAL SCHEDULES
		S168	FRAMING DETAILS	E174	MECHANICAL SCHEDULES
		S169	FRAMING DETAILS	E175	MECHANICAL SCHEDULES
		S170	FRAMING DETAILS	E176	MECHANICAL SCHEDULES
		S171	FRAMING DETAILS	E177	MECHANICAL SCHEDULES
		S172	FRAMING DETAILS	E178	MECHANICAL SCHEDULES
		S173	FRAMING DETAILS	E179	MECHANICAL SCHEDULES
		S174	FRAMING DETAILS	E180	MECHANICAL SCHEDULES
		S175	FRAMING DETAILS	E181	MECHANICAL SCHEDULES
		S176	FRAMING DETAILS	E182	MECHANICAL SCHEDULES
		S177	FRAMING DETAILS	E183	MECHANICAL SCHEDULES
		S178	FRAMING DETAILS	E184	MECHANICAL SCHEDULES
		S179	FRAMING DETAILS	E185	MECHANICAL SCHEDULES
		S180	FRAMING DETAILS	E186	MECHANICAL SCHEDULES
		S181	FRAMING DETAILS	E187	MECHANICAL SCHEDULES
		S182	FRAMING DETAILS	E188	MECHANICAL SCHEDULES
		S183	FRAMING DETAILS	E189	MECHANICAL SCHEDULES
		S184	FRAMING DETAILS	E190	MECHANICAL SCHEDULES
		S185	FRAMING DETAILS	E191	MECHANICAL SCHEDULES
		S186	FRAMING DETAILS	E192	MECHANICAL SCHEDULES
		S187	FRAMING DETAILS	E193	MECHANICAL SCHEDULES
		S188	FRAMING DETAILS	E194	MECHANICAL SCHEDULES
		S189	FRAMING DETAILS	E195	MECHANICAL SCHEDULES
		S190	FRAMING DETAILS	E196	MECHANICAL SCHEDULES
		S191	FRAMING DETAILS	E197	MECHANICAL SCHEDULES
		S192	FRAMING DETAILS	E198	MECHANICAL SCHEDULES
		S193	FRAMING DETAILS	E199	MECHANICAL SCHEDULES
		S194	FRAMING DETAILS	E200	MECHANICAL SCHEDULES
		S195	FRAMING DETAILS	E201	MECHANICAL SCHEDULES
		S196	FRAMING DETAILS	E202	MECHANICAL SCHEDULES
		S197	FRAMING DETAILS	E203	MECHANICAL SCHEDULES
		S198	FRAMING DETAILS	E204	MECHANICAL SCHEDULES
		S199	FRAMING DETAILS	E205	MECHANICAL SCHEDULES
		S200	FRAMING DETAILS	E206	MECHANICAL SCHEDULES
		S201	FRAMING DETAILS	E207	MECHANICAL SCHEDULES
		S202	FRAMING DETAILS	E208	MECHANICAL SCHEDULES
		S203	FRAMING DETAILS	E209	MECHANICAL SCHEDULES
		S204	FRAMING DETAILS	E210	MECHANICAL SCHEDULES
		S205	FRAMING DETAILS	E211	MECHANICAL SCHEDULES
		S206	FRAMING DETAILS	E212	MECHANICAL SCHEDULES
		S207	FRAMING DETAILS	E213	MECHANICAL SCHEDULES
		S208	FRAMING DETAILS	E214	MECHANICAL SCHEDULES
		S209	FRAMING DETAILS	E215	MECHANICAL SCHEDULES
		S210	FRAMING DETAILS	E216	MECHANICAL SCHEDULES
		S211	FRAMING DETAILS	E217	MECHANICAL SCHEDULES
		S212	FRAMING DETAILS	E218	MECHANICAL SCHEDULES
		S213	FRAMING DETAILS	E219	MECHANICAL SCHEDULES
		S214	FRAMING DETAILS	E220	MECHANICAL SCHEDULES
		S215	FRAMING DETAILS	E221	MECHANICAL SCHEDULES
		S216	FRAMING DETAILS	E222	MECHANICAL SCHEDULES
		S217	FRAMING DETAILS	E223	MECHANICAL SCHEDULES
		S218	FRAMING DETAILS	E224	MECHANICAL SCHEDULES
		S219	FRAMING DETAILS	E225	MECHANICAL SCHEDULES
		S220	FRAMING DETAILS	E226	MECHANICAL SCHEDULES
		S221	FRAMING DETAILS	E227	MECHANICAL SCHEDULES
		S222	FRAMING DETAILS	E228	MECHANICAL SCHEDULES
		S223	FRAMING DETAILS	E229	MECHANICAL SCHEDULES
		S224	FRAMING DETAILS	E230	MECHANICAL SCHEDULES
		S225	FRAMING DETAILS	E231	MECHANICAL SCHEDULES
		S226	FRAMING DETAILS	E232	MECHANICAL SCHEDULES
		S227	FRAMING DETAILS	E233	MECHANICAL SCHEDULES
		S228	FRAMING DETAILS	E234	MECHANICAL SCHEDULES
		S229	FRAMING DETAILS	E235	MECHANICAL SCHEDULES
		S230	FRAMING DETAILS	E236	MECHANICAL SCHEDULES
		S231	FRAMING DETAILS	E237	MECHANICAL SCHEDULES
		S232	FRAMING DETAILS	E238	MECHANICAL SCHEDULES
		S233	FRAMING DETAILS	E239	MECHANICAL SCHEDULES
		S234	FRAMING DETAILS	E240	MECHANICAL SCHEDULES
		S235	FRAMING DETAILS	E241	MECHANICAL SCHEDULES
		S236	FRAMING DETAILS	E242	MECHANICAL SCHEDULES
		S237	FRAMING DETAILS	E243	MECHANICAL SCHEDULES
		S238	FRAMING DETAILS	E244	MECHANICAL SCHEDULES
		S239	FRAMING DETAILS	E245	MECHANICAL SCHEDULES
		S240	FRAMING DETAILS	E246	MECHANICAL SCHEDULES
		S241	FRAMING DETAILS	E247	MECHANICAL SCHEDULES
		S242	FRAMING DETAILS	E248	MECHANICAL SCHEDULES
		S243	FRAMING DETAILS	E249	MECHANICAL SCHEDULES
		S244	FRAMING DETAILS	E250	MECHANICAL SCHEDULES
		S245	FRAMING DETAILS	E251	MECHANICAL SCHEDULES
		S246	FRAMING DETAILS	E252	MECHANICAL SCHEDULES
		S247	FRAMING DETAILS	E253	MECHANICAL SCHEDULES
		S248	FRAMING DETAILS	E254	MECHANICAL SCHEDULES
		S249	FRAMING DETAILS	E255	MECHANICAL SCHEDULES
		S250	FRAMING DETAILS	E256	MECHANICAL SCHEDULES
		S251	FRAMING DETAILS	E257	MECHANICAL SCHEDULES
		S252	FRAMING DETAILS	E258	MECHANICAL SCHEDULES
		S253	FRAMING DETAILS	E259	MECHANICAL SCHEDULES
		S254	FRAMING DETAILS	E260	MECHANICAL SCHEDULES
		S255	FRAMING DETAILS	E261	MECHANICAL SCHEDULES

DATE 8-17-8 3150447 11
 ENGINEER ☐ ICH
 CITY ☐ APPROV
 LOCAL TO ALL

THIS PROJECT

A) Location Map
NTS

NOTES



CITY OF TUCSON
 POSD ZONING APPROVAL
☐ Residential Plot Plan ☐ Site Visit
☐ Transit Improvement
☒ Existing Plan THRU T Displacement
☐ Other _____
 2-2-11 551 0103/18
 (OPTIONAL COMMENTS HERE)

Turntable 145, Ramps 14E, Section B

ATTACHMENT 6



CITY OF TUCSON

Development Services Department

201 N. STONE AVENUE, 1ST FLOOR TUCSON, AZ 85701
PHONE: (520) 791-5550

CITY OF TUCSON PERMIT

ACTIVITY DP18-0043

SITE ADDRESS: 1525 N PARK AV TUC

PARCEL NUMBER: 123-15-070B

LEGAL DESCRIPTION: HOME LOTS 4, 5 & LOT 3 EXC TRI NE COR BLK 7 - 01016

TOWNSHIP-RANGE-SECTION: 14-14E-06

STORIES: 0 GROUP: ??

CONSTRUCTION TYPE:

TOTAL VALUATION: \$ 0.00

TYPE OF PERMIT: DEVPKG

TYPE OF APPLICATION: DOTH

PLAN NUMBER:

DESCRIPTION OF PROPOSED WORK: E PRIME LEAF DISPENSARY- SITE/GRADING

TOTAL BLDG. SQUARE FOOTAGE: 0

NOTICE: THE PLANS AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION FOR THIS PERMIT, AS APPROVED BY THIS DEPARTMENT, MAY NOT BE CHANGED, MODIFIED OR ALTERED WITHOUT THE WRITTEN APPROVAL FROM THIS DEPARTMENT AND ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE APPROVED PLANS.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION DOES NOT START WITHIN 180 DAYS OR IF WORK OR CONSTRUCTION IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED. SUCH TIME PERIODS SHALL BE EVIDENCED BY A RECORDED REQUEST FOR INSPECTION. THE PERMIT HOLDER HAS THE RESPONSIBILITY TO DETERMINE THE LOCATION OF EXISTING UNDERGROUND UTILITIES, SEWAGE DISPOSAL SYSTEMS OR OTHER OBSTACLES THAT MAY INTERFERE WITH THE WORK AUTHORIZED BY THIS PERMIT.

CERTIFICATION: I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS PERMIT AND KNOW THE INFORMATION TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE THE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION. REPRESENTATIVES OF THIS DEPARTMENT MAY ENTER UPON THE PROPERTY FOR THE PURPOSE OF CONDUCTING INSPECTIONS OF THE WORK.

CHECK ONE OF THE FOLLOWING: ☒ LICENSED CONTRACTOR: I HEREBY AFFIRM THAT I AM A CONTRACTOR LICENSED AND REGULATED BY THE PROVISIONS OF A.R.S. TITLE 32, CHAPTER 10 (SECTION 32-1101 THROUGH SECTION 32-1198,05 OR AS AMENDED).
☐ ARCHITECT/ENGINEER: I AM EXEMPT FROM THE LICENSING REQUIREMENTS AS I AM AN ARCHITECT OR ENGINEER ENGAGING IN MY PROFESSIONAL PRACTICE AS DEFINED IN A.R.S. TITLE 32, CHAPTER 1 (SECTION 32-101 AND FOLLOWING). I DO NOT ENGAGE IN THE ACTIVITY OF A CONTRACTOR AS DEFINED IN A.R.S. TITLE 32, CHAPTER 10 (SECTIONS 32-1101 AND 32-1102).
☐ OWNER/BUILDER: I HEREBY AFFIRM THAT THE WORK FOR WHICH THIS PERMIT IS ISSUED WILL BE DONE BY ME AS OWNER-OCCUPANT.
☐ OTHER: I AM AN AUTHORIZED REPRESENTATIVE OF THE OWNER.

SIGNATURE

DATE: 06-12-2018

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION AND SPECIAL CONDITIONS

APPLICANT: METRO TUCSON EXPEDITING & DEVELOPMENT

2030 E SPEEDWAY BL
STE #110
TUCSON AZ
85719

OWNER: FRANTI III HOLDINGS LLC

1718 E SPEEDWAY BLVD #146
TUCSON AZ

CONTRACTOR:

SPECIAL CONDITIONS



CITY OF TUCSON

Planning & Development
Services Department

ACTIVITY DP18-0043

Telephone keypad conversion for activity:

T = 8, CM = 26, DP = 37 (**DP ONLY:** DO NOT enter dash. DO enter # at the end of activity number)

PROJECT ADDRESS: 1525 N PARK AV TUC
CONTRACTOR: RELIANCE COMMERCIAL CONSTRUCTION

DESCRIPTION OF PROPOSED WORK: E PRIME LEAF DISPENSARY- SITE/GRADING

REQUIRED INSPECTIONS:

Item: 09027 ENGINEERING - FINAL
Item: 09028 LANDSCAPE - FINAL
Item: 09030 SIGN - FINAL
Item: 09031 NPPO - FINAL
Item: 09150 ENGINEERING PRE-CONSTRUCTION
Item: 09152 STORMWATER INSTALL OF CONTROLS
Item: 09154 STORMWATER FOLLOW-UP INSP
Item: 09160 STORMWATER FINAL INSPECTION
Item: 09180 LANDSCAPE INSPECTION
Item: 09181 GRADING - REBAR
Item: 09183 GRADING - CHECK FOR ACTIVITY
Item: 09185 GRADING - INTERMEDIATE
Item: 09186 GRADING - TIER REV
Item: 09190 GRADING - FINAL
Item: 09170 DRAINAGE/BASIN INSPECTION
Item: 09172 DRAINAGE/BASIN COMPLAINT INSP
Item: 09174 DRAINAGE/BASIN CORRESPONDENCE

***** Scheduling Inspections *****

MUST SCHEDULE PRIOR TO 3:15 P.M. FOR NEXT BUSINESS DAY

Online (Registration Required) @
<http://www.tucsonaz.gov/velocityhall>

Or by phone: 520-791-3111

Telephone instructions can be found @ <http://www.tucsonaz.gov/pdsd/ivr>

Inspections are made between the hours of 7:30am to 3:30pm. Appointments are not available but you may leave a message when scheduling an inspection, with your , call back number, and if you need to speak with your

ATTACHMENT 7

[Home](#)[Back](#)

Permit Manager

Welcome to Tucson, Arizona



City of Tucson Development Services Department

Detail

[Inspections](#) [Payment History](#)[Info](#)

Case / Application / Permit Number	T18CM05428
Type / Classification	COMBO
	CNEW: COMMERCIAL NEW
Address	BLDG: Building
	1525 N PARK AV
	TUCSON, AZ
Parcel Number	12315070B
File Date	2018-07-12
Status	C OF O
Status Date	N/A
Valuation	\$363,138.34
Fees	\$24,174.29
Payments	\$24,174.29
Balance	\$0.00
Description	NEW BUILDING (MEDICAL MARIJUANA)

[View Map](#) (Click the "Back" button on the browser to return to Permit Manager.)

Contacts

Name	RELIANCE COMMERCIAL CONSTRUCTION
Business Relationship	N/A CONTRACTOR
Phone	N/A

[New Search](#)

Powered by Accela®

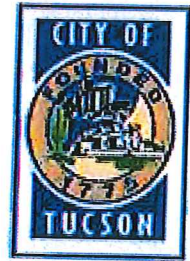
@2002-2009 Accela Inc. All Rights Reserved.

Accela Citizen Access(tm) Version 2.5

[Home](#)[Back](#)

Permit Manager

Welcome to Tucson, Arizona



City of Tucson Development Services Department

Parcel Data

Permit Number	T18CM05428
Mailing Address	1525 N PARK AV TUCSON, AZ
Parcel Number	12315070B

[New Search](#)

Search for another permit.

Completed Inspections

Date	Type	Description	Status
5/16/2019	9026	FIRE - FINAL	Approved
5/17/2019	9027	ENGINEERING - FINAL	Approved
5/16/2019	9030	SIGN - FINAL	Approved
5/16/2019	9032	RIGHT OF WAY - FINAL	Approved
1/16/2019	3035	PLUMBING - INTERMEDIATE	Approved
5/16/2019	3090	PLUMBING - FINAL	Approved
1/17/2019	3091	GAS CLEARANCE	Approved
1/16/2019	3050	PLUMBING - GAS PRESSURE TEST	Approved
1/16/2019	4035	MECHANICAL - INTERMEDIATE	Approved
5/17/2019	4090	MECHANICAL - FINAL	Approved
10/11/2018	1005	EXCAVATION/LAYOUT REBAR & ZON	Approved
4/2/2019	1010	STEM WALL/RETAINING WALL	Approved
10/11/2018	1015	BUILDING PRE-SLAB	Approved
12/10/2018	1025	EXT METAL CLIPS/EXT SHEATHING	Approved
12/17/2018	1030	ROOF NAILING	Approved
12/26/2018	1035	FRAMING	Approved
3/15/2019	1036	BUILDING ABOVE CEILING	Approved
12/26/2018	1040	STUCCO MESH	Approved
5/16/2019	1041	U VALUE FOR WINDOW	Approved
1/29/2019	1045	SHEET ROCK NAILING	Approved

[Info](#)

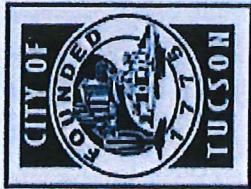
5/17/2019	1090	BUILDING - FINAL	Approved
10/11/2018	2005	ELECTRIC - UFER	Approved
10/11/2018	2010	ELECTRIC - UNDERGROUND	Approved
1/16/2019	2035	ELECTRIC - INTERMEDIATE	Approved
3/15/2019	2036	ELECTRIC - ABOVE CEILING	Approved
2/21/2019	2050	ELECTRIC - CABLE DROP	Approved
5/16/2019	2085	ELECTRIC - OUTDOOR LIGHTING	Approved
5/16/2019	2090	ELECTRIC - FINAL	Approved
2/21/2019	2092	TEP CLEARANCE - PM	Approved
5/16/2019	2099	OUTDOOR LIGHTING FINAL	Approved
9/27/2018	3005	PLUMBING - ROUGH, SOIL	Approved
12/26/2018	3015	PLUMBING - PRE SLAB	Approved
3/15/2019	3036	PLUMBING - ABOVE CEILING	Approved
9/27/2018	3040	PLUMBING - YARD WTR LINE/TEST	Approved
5/7/2019	3052	PLUMBING - GAS PRESS TEST FNL	Approved
9/27/2018	3055	PLUMBING - SEWER HCS CONNECT	Approved
3/15/2019	4036	MECHANICAL - ABOVE CEILING	Approved

Powered by Accela®

@2002-2009 Accela Inc. All Rights Reserved.

Accela Citizen Access(tm) Version 2.5

ATTACHMENT 8

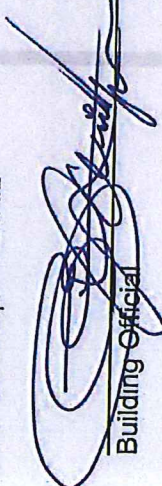


Certificate of Occupancy

City of Tucson
Planning and Development Services

Permit Activity Number: T18CM05428

Structure Address:	1525 N PARK AV TUC	Square Footage:	3998
Project Description:	NEW BUILDING (MEDICAL MARIJUANA)	Fire Sprinkler System Provided:	N
Construction Type:	VB	Fire Sprinkler System Required:	N
Occupancy Group:	M		
Applicable Building Code:	2012 IBC	Building Owner Information:	FRANTI III HOLDINGS LLC 1718 E SPEEDWAY BLVD #146 TUCSON AZ 857194515
Design Occupant Load:	105		
Zoning Classification:	C-2		
Land Use Group:	RETAIL		


Building Official
05/17/2019
Issued Date

This certificate is issued pursuant to the requirements of the adopted Tucson Building Code certifying that at the time of issuance, the described project was inspected for compliance with the various ordinances regulating building construction and use.

ATTACHMENT 9

6/25/2019

PARK DISPENSARY
COST SHEET

Sub/Vendor	CA #	CA Amount
American Fence-Temp Fence	1,9,15	\$1,881.52
SCBS-Asbestos Testing /Report	2	\$795.00
Leading Edge-Demo	3,6R2,7,8,10	\$22,200.00
Busy D Plumbing-Oil Separator Tank Pumping	5	\$873.30
Harvey Land Surveying-Survey	12R,65	\$6,180.00
Myrmo-Misc. Steel	13,70,110,111	\$10,545.00
A&S Paving-Grading & Paving	14,38,41,54,59,87,104	\$64,029.00
NW Exterminating-Pre-Treat	16	\$438.00
Stonart-Concrete & Masonry	17,76,87,100,112	\$85,824.00
Philip's Plumbing-Plumbing	18,46,50,55,74,81	\$31,999.00
S&D Electric-Electrical	19,43,45, 48,58,75,80,84,98,103	\$100,658.82
CMR Construction-Rough Carpentry	20,64	\$99,240.00
SW Mobile-Mobile Office	21	\$408.49
Bentley-Framing & Drywall	22,40R,91,96	\$50,169.30
Glass Unlimited-Storefront	23,61,90,101,123	\$35,911.00
Guaranteed Door-Doors, Frames & Hardware	24,44,49,60,66,102	\$16,810.14
S&R Cabinetry-Millwork	25,71,94,106	\$78,480.00
Record Energy Concepts-HVAC	26,52,56,95	\$52,210.00
Progressive Roofing	53,68,	\$44,984.00
Brooks & Associates-Landscape	28,83R,105,116	\$17,930.00
A1 Striping-Parking Lot Striping	29	\$1,289.65
IFS Flooring-Flooring	30R	\$24,060.00
Janning's-Acoustical Ceiling	31	\$3,250.00
RG Interiors-Restroom Accessories	32,85	\$751.00
Hiller Paint-Painting Interior & Exterior	33,77,96	\$11,950.00
Hansen Kramer-Stucco	34R,51	\$16,300.00
Central Door-Door Installation	35,96	\$2,560.00
Preston-Insulation	36	\$2,624.00
Sign Magic-Flagpole & Signs	37R2,108	\$21,685.00
Pattison-Special Inspections	39	\$5,078.00
Premier Metals-Metal Siding	42R,86,99,107R,109	\$44,785.00
AZ Commercial Lighting	82bR2	\$11,097.06
True Core Cleaning	113	\$1,250.00
RCC 50% Pocket Doors	96	(\$1,650.50)
General Conditions -RCC Labor & Materials	11,47,62,67,78,89,93,120,121	\$90,865.32
Subtotal		\$957,461.10
Overhead & profit		\$76,596.89
Sales Tax		\$58,527.68
Total		\$1,092,585.67

ATTACHMENT 10

JESSE R. CALLAHAN
ATTORNEY AT LAW

201 N. Central Avenue
22nd Floor
Phoenix, AZ 85004-0608
Main Number: 602-252-1900
Facsimile: 602-252-1114
jcallahan@maypotenza.com
www.maypotenza.com



February 23, 2018

VIA EMAIL TRANSMISSION AND REGULAR U.S. MAIL

Steve Shields
Carolyn Laurie
City of Tucson
Planning & Development Services
201 N. Stone Avenue
Tucson, Arizona 85701
Steve.Shields@tucsonaz.gov
Carolyn.laurie@tucsonaz.gov

Re: Medical Marijuana Authorization Letter
1525 N. Park Avenue
Parcel ID No. 123-150-70A & 123-15-0720
CHAA: 108 Zoning: C-2 Activity #: T17SA0033 and T18SA00085

Dear Mr. Shields and Ms. Laurie:

We understand that, based on the representations made by David Basila and Total Accountability Patient Care, Inc. (the "Applicant"), the City found that the above-referenced site ("Site") is in general compliance with Ordinance Nos. 10850, 11199, and 11346 and is subject to the conditions of approval for use as a medical marijuana dispensary. Unfortunately, the materials provided to the City by the Applicant omitted that a church (a place of worship) appears to be located within 1,000 feet of the Site, which could prohibit use of the Site as a medical marijuana dispensary.

As set forth in the City's file, on or about January 16, 2017, the Applicant represented in correspondence to the City that its due diligence included having "driven the surroundings, checked Google maps, Pima County GIS maps" and the only churches nearby, as alleged by the Applicant, were the First Christian School and Siloam Freewill Church. This representation by the Applicant appears to us to have been inaccurate, because the Drikung Dzogchen Center of Arizona is located at 1038 E. Lester St., Tucson, AZ 85719 (the "Buddhist Church"). The designation of the Buddhist Church as a place of worship is confirmed by Google Maps (enclosed herewith for your convenience). We believe this Buddhist Church has been regularly convening religious worship since 2014.

Steve Shields
Carolyn Laurie
February 23, 2018
Page 2

There is no distinction between Judeo-Christian churches and Buddhist churches, or large churches and small churches. The Buddhist Church conducts regularly convened religious worship and schooling at its location, as confirmed on its social media pages. By reason of its design and other architectural features, the Buddhist Church appears to meet the requirements under the Tucson zoning code to qualify as a church. We are surprised that the Applicant missed this church, especially given its search of Google Maps.

To date, we believe that Arizona Department of Health Services has not issued an Approval to Operate for this Site. We ask that the City further investigate the existence of the Buddhist Church in relation to this Site as soon as is practicable, especially before any renewal of the expired letter is issued.

If you have any questions regarding the foregoing, please contact me.

Sincerely,

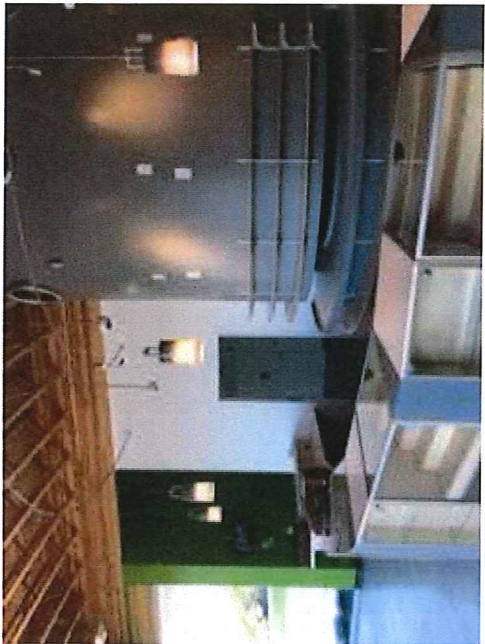
MAY, POTENZA, BARAN & GILLESPIE, P.C.


Jesse R. Callahan

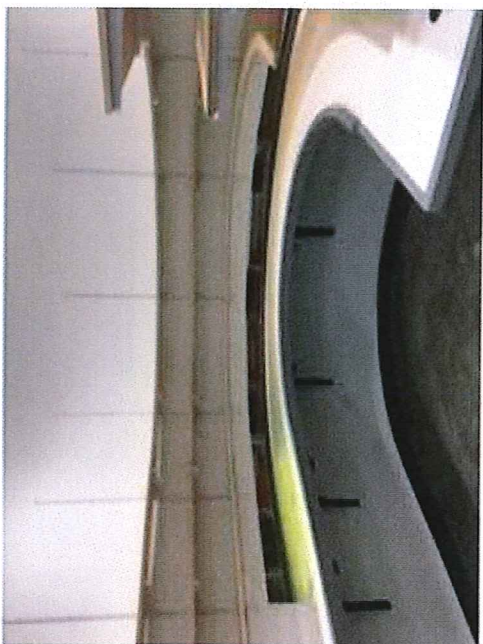
JRC/el

Enclosures

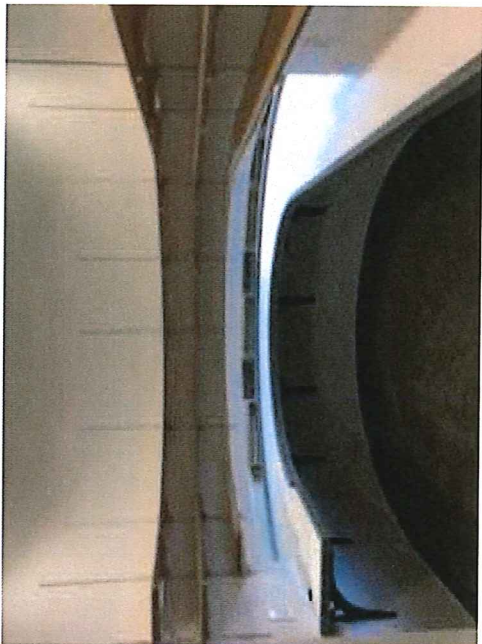
ATTACHMENT 11 a.



ATTACHMENT 11 b.



ATTACHMENT 11 c.



ATTACHMENT 12



Pima County Geographic Information Systems

Parcel 123-11-0280

Read the [Disclaimer](#). Information on this page is **unofficial**.

Mail name and address

123-11-0280
COX PATRICIA L & COX THOMAS L JT/RS
1038 E LESTER ST
TUCSON AZ 85719-3543

Legal description

MONTEREY AMENDED LOT 8 BLK 1

Situs (property) address

([About situs addresses](#))

Street Address	Jurisdiction	Postal City	Zip Code
1038 E LESTER ST	TUCSON	TUCSON	85719

[ZIP+4 Lookup](#)

Information for this parcel

- **For Assessor parcel details**, copy and paste Parcel ID **123110280** into the [Pima County Assessor's Parcel Search](#). We cannot link directly. Also see [Assessor Record Maps](#).
- [Real Estate Property Tax Inquiry](#) and [Property Tax Statement](#) from the [Pima County Treasurers's Office](#).
- **Recorded Information** from the [Pima County Recorder's Office](#)
 - [Recorded Document](#) for Docket 10159, Page 2212, Sequence Number 95165817.
 - [Voter Precinct and Districts](#)
- [Subdivision Plat Map](#) for Book 4, Page 85.
- Pima County [Sanitary Sewer Connection Search](#) from the [Pima County Regional Wastewater Reclamation Department](#)
- **Permits** from [Pima County Development Services](#)
 - [Permit Database Search](#)
 - [Historical Permit Cards](#) - Prior to about 1998
- [Development Activity Records](#) (permit, plat, rezoning) from [City of Tucson Planning and Development Services](#) [Property Research Online](#).
- [Section Information and Maps](#) for Township 14S, Range 14E, Section 6.
This parcel's GIS [overlay details](#) [Grids group](#) is a **more complete analysis** of sections when parcel boundaries extend outside of the listed section.
- **Floodplain Information** from the [Pima County Regional Flood Control District](#)
 - [Parcel Floodplain Information](#). See [FEMA Digital Flood Insurance Rate Maps \(DFIRMs\)](#) for more.
 - City of Tucson jurisdiction. See [City of Tucson Floodplain Information](#) or call (520) 791-5609.

Over 100 parcel details from GIS overlay analysis

[Learn more](#) about parcel GIS overlay details. See a [list of all details](#).






Airports Associations Census Comprehensive Plan-Pima Prospers Development Floodplain-Defined by Pima County RFCD Floodplain-FEMA Governmental Districts and Areas	Grids Incentive Zones Jurisdictions Landscape Classifications Miscellaneous Other Regulatory Areas PC Gov. Property Rights Public Safety	Schools Sonoran Desert Conservation Plan Transportation Utilities Zoning
--	---	--

Parcel GIS geometry details

Accuracy is limited to that of the GIS parcel data. All data is subject to this [disclaimer](#).

Parcel centroid coordinates	Approximately 32.243385 degrees latitude, -110.955732 degrees longitude.
Parcel area	<p>This is only an estimate from GIS data. The Subdivision Plat Map may also specify parcel area. See Finding Parcel Areas.</p> <hr/> <p>Approximately 0.14 acres or 5,938 square feet.</p>

Zoom to maps of the parcel's area

<div>PimaMaps</div> <ul style="list-style-type: none"> ◦ Main map ◦ Survey map <div>Autodesk MapGuide</div> <ul style="list-style-type: none"> ◦ Main map ◦ Orthophoto map <div>City of Tucson</div> <ul style="list-style-type: none"> ◦ MapTucson 	<div>Oblique Aerial Photos</div> <p>You can change the view (N,S,E,W) or pan and zoom the oblique photo.</p> <p>If the parcel centroid is outside the oblique photo area, either a flat map is shown or the page remains empty.</p> <div>  PICTOMETRY <small>INTELLIGENT IMAGES</small> Pictometry Photos </div> <p>(Legacy Internet Explorer Viewer) Learn more</p> <hr/> <div>  Bing Maps Photos </div>	<div> Area Map</div> <div> Area Map</div> <div> Area Map</div>
---	--	--

ATTACHMENT 13a.

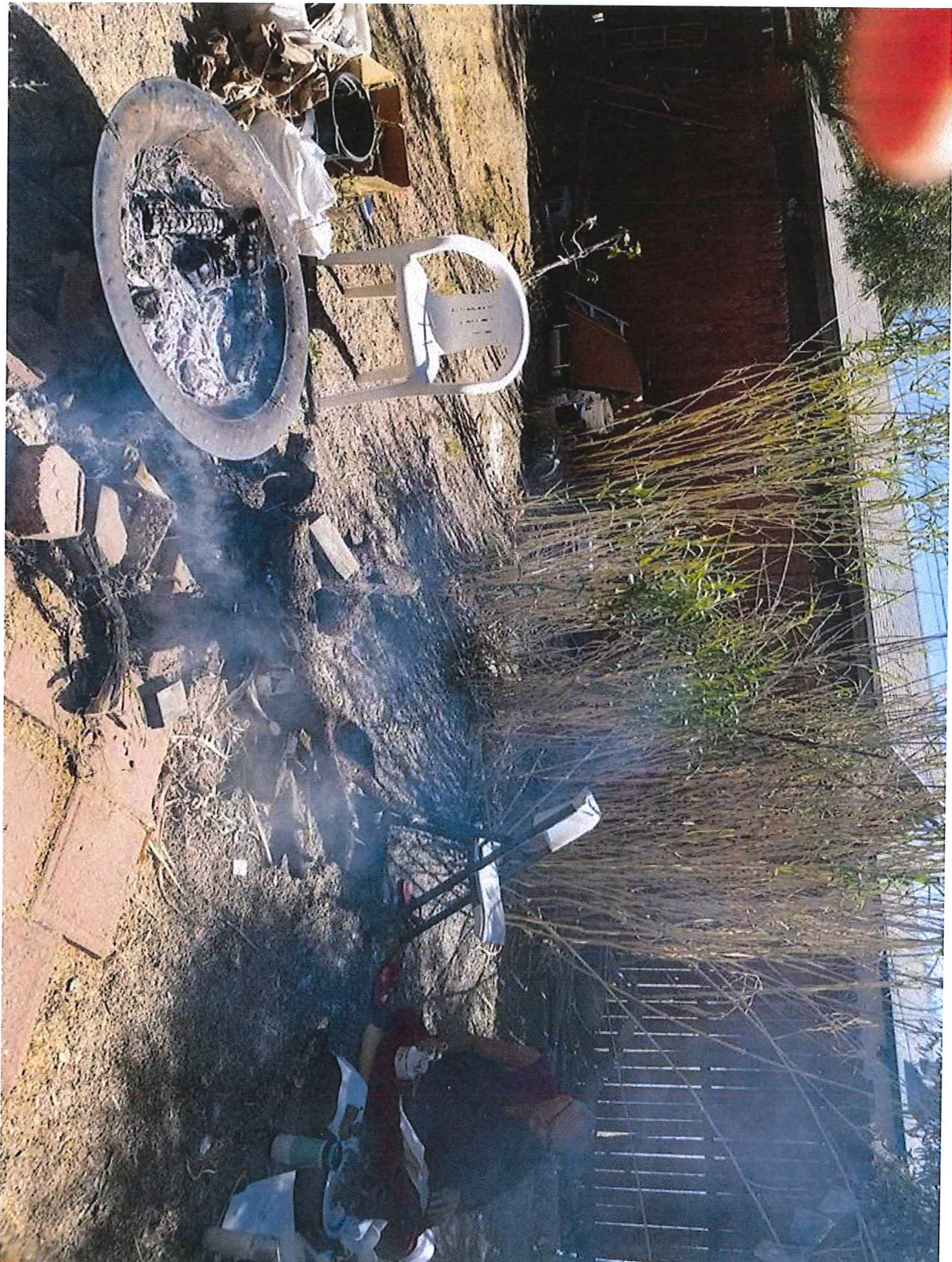


ATTACHMENT 13b.



Drikung Dzogchen Ce
Like This Page · May 17, 2019

ATTACHMENT 13c.



Drikung Dzogchen Ce
Like This Page · May 17, 20

ATTACHMENT 14



COPE

BEHAVIORAL
SERVICES
INCORPORATED

NOV 2006
RECEIVED
Zoning Admin.

November 6, 2006

Walter V. Tellez
Zoning Administrator
Development Services Department
201 N. Stone Avenue
Tucson, Arizona 85701

Re: Zoning Clarification Request for "Ocotillo Group Home"-535 E. Drachman

R-2
115-02-0227A

Dear Mr. Tellez,

Thank you for taking the time to meet with us last week, as we discussed, COPE Behavioral Services, Inc. is a 501 (C) 3 non-profit corporation who has been providing an array of services to priority populations in our community for over 30 years. COPE owns and manages several case management and residential properties around Tucson to provide such services. One of the residential properties, known as "Ocotillo," is located at 535 E. Drachman. This property was originally built and owned by Catholic Community Services of Arizona as a group home for the nuns. On 4/25/97, the home was placed on the real estate market and remained occupied until it was sold in 6/24/97 to COPE (see attachment A). Since purchasing the home, COPE has utilized this property for short term general mental health residential services for seriously mentally ill and general mental adult clients (see attachment B). As indicated in the program description, clients receive services there approximately 4-5 days and then return home or to an alternate placement.

In 1997, prior to providing services at the home, COPE obtained the required fire and sanitation inspection and behavioral health license issued by the Arizona Department of Health Services (see attachment C). Since that time, the fire inspection is conducted by the City of Tucson every three years; the sanitation and the behavioral health licensure inspections are conducted annually. The reports and licenses from interim years (1998-2005) are available for perusal upon your request. Enclosed are the most current

inspections and the most recent behavioral health license issued by the Arizona Department of Health Services (see attachment D).


In mid August, COPE received a notice of violation from Department of Neighborhood Resources listing the following (letter attached, E):

- 1) Current layout of the building does not match the last approved floor plan.
- 2) A Certificate of Occupancy has not been issued for "Ocotillo" group home.

COPE has hired an architect to address item 1 but is concerned about item number 2. The property is zoned R2 and the building code is also R2 which would allow for 17 persons to occupy the building, as specified by Christy D. Foreman from City of Tucson Development Services Department. COPE is licensed to provide services at this location for 15 people. Please advise on the necessary steps that COPE must take to ensure the appropriate Certificate of Occupancy is obtained.

Thank you in advance for your assistance and please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

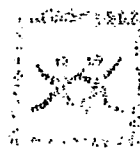

Daniella Zepeda

Facilities Director

COPE Behavioral Services, Inc.

(520) 792-3293 Direct

(520) 370-3988 Cell



ATTACHMENT 15



CITY OF
TUCSON

DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

December 4, 2006

Daniella Zepeda
Facilities Director
COPE Behavioral Services, Inc.
82 South Stone Avenue
Tucson, AZ 85701

Subject: 535 E. Drachman, R-2; COPE; Ocotillo Group Home Facility
Land Use Code (LUC) Information – Nonconforming Status

Dear Ms. Zepeda:

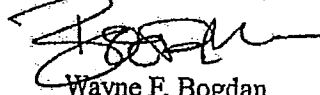
Thank you for your letter dated November 6, 2006 and attachments regarding COPE's "Ocotillo Group Home" facility. The facility property is addressed 535 East Drachman and zoned "R-2" Residential. The property was purchased by COPE in 1997 for the Ocotillo facility's use but a Certificate of Occupancy permit (C of O) was never obtained. The Ocotillo facility provides short term residential services for seriously mental ill and general mental adult clients and has been licensed by the State since 1997. To obtain the required C of O permit, however, staff must confirm the current COPE use of the property is allowed.

The Zoning Administration Division has reviewed your information, the property's City and County history records, and the R-2 zoning regulations dating back to 1962. Review of City records verify that in 1962 the appropriate permits and approvals were issued for the property's group home development. Staff notes, in 1962, both group home and welfare related uses were permitted in the R-2 zone as authorized land uses. The Ocotillo facility which today is classified as a "Residential Care, Physical and Behavioral Health Service" would have been classified as a welfare use in 1962. Thus, the COPE use of the property for its Ocotillo facility does fall within the property's established nonconforming status and is allowed, as is, without the need for further zoning approval.

Please note, the property's nonconforming status restricts the COPE use as follows. The facility's clientele is limited to no more than fifteen (15) residents. The property's zoning status allowing welfare related uses does not include the Residential Care Service "Shelter Care". The nonconforming status limits the COPE facility to the property's existing building and lot configuration any expansion of the facility by either building or lot area could cause this status to be lost. As a final note, a copy of this letter must be attached to the project's site

plan when submitted to the Development Services Department, 1st Floor, 201 North Stone Avenue for the C of O review process. I hope you find this information helpful and should you require further information from the Zoning Administration Division, please contact me at (520) 791-4541 ext. 1116.

Sincerely



Wayne F. Bogdan
Zoning Administration

s:\zoning administration\zoning\za determination\535 e drachman COPE.doc

ATTACHMENT 16



Pima County Geographic Information Systems

Parcel 115-04-0810

Read the [Disclaimer](#). Information on this page is **unofficial**.

Mail name and address Legal description

115-04-0810 FELDMANS AMENDED W89' OF LOTS 2 3 & 6 BLK 6
 PANIAGUA ANTONIO
 PO BOX 40711
 TUCSON AZ 85717-0711

Situs (property) address

([About situs addresses](#))

Street Address	Jurisdiction	Postal City	Zip Code	
1330 N 2ND AV	TUCSON	TUCSON	85705	ZIP+4 Lookup
1332 N 2ND AV	TUCSON	TUCSON	85705	ZIP+4 Lookup
1334 N 2ND AV	TUCSON	TUCSON	85705	ZIP+4 Lookup
1336 N 2ND AV	TUCSON	TUCSON	85705	ZIP+4 Lookup

Information for this parcel

- **For Assessor parcel details**, copy and paste Parcel ID **115040810** into the [Pima County Assessor's Parcel Search](#). We cannot link directly. Also see [Assessor Record Maps](#).
- [Real Estate Property Tax Inquiry](#) and [Property Tax Statement](#) from the [Pima County Treasurers's Office](#).
- **Recorded Information** from the [Pima County Recorder's Office](#)
 - [Recorded Document](#) for Docket 11173, Page 2298, Sequence Number 19992190813.
 - [Voter Precinct and Districts](#) - Using 1330 N 2ND AVE
- [Subdivision Plat Map](#) for Book 2, Page 35.
- Pima County [Sanitary Sewer Connection Search](#) from the [Pima County Regional Wastewater Reclamation Department](#)
- **Permits** from [Pima County Development Services](#)
 - [Permit Database Search](#)
 - [Historical Permit Cards](#) - Prior to about 1998
- [Development Activity Records](#) (permit, plat, rezoning) from [City of Tucson Planning and Development Services](#) [Property Research Online](#).
- [Section Information and Maps](#) for Township 14S, Range 13E, Section 1.
 This parcel's GIS [overlay details](#) [Grids group](#) is a **more complete analysis** of sections when parcel boundaries extend outside of the listed section.

- **Floodplain Information** from the Pima County Regional Flood Control District
 - Parcel Floodplain Information. See FEMA Digital Flood Insurance Rate Maps (DFIRMs) for more.
 - City of Tucson jurisdiction. See City of Tucson Floodplain Information or call (520) 791-5609.

Over 100 parcel details from GIS overlay analysis

Learn more about parcel GIS overlay details. See a list of all details.






Airports Associations Census Comprehensive Plan-Pima Prospers Development Floodplain-Defined by Pima County RFCD Floodplain-FEMA Governmental Districts and Areas	Grids Incentive Zones Jurisdictions Landscape Classifications Miscellaneous Other Regulatory Areas PC Gov. Property Rights Public Safety	Schools Sonoran Desert Conservation Plan Transportation Utilities Zoning
--	---	--

Parcel GIS geometry details

Accuracy is limited to that of the GIS parcel data. All data is subject to this disclaimer.

Parcel centroid coordinates	Approximately 32.239272 degrees latitude, -110.962340 degrees longitude.
Parcel area	<p>This is only an estimate from GIS data. The <u>Subdivision Plat Map</u> may also specify parcel area. See <u>Finding Parcel Areas</u>.</p> <hr/> <p>Approximately 0.35 acres or 15,424 square feet.</p>

Zoom to maps of the parcel's area

PimaMaps <ul style="list-style-type: none"> ◦ Main map ◦ Survey map MapGuide <ul style="list-style-type: none"> ◦ Main map ◦ Orthophoto map City of Tucson <ul style="list-style-type: none"> ◦ MapTucson 	Oblique Aerial Photos <hr/> <p>You can change the view (N,S,E,W) or pan and zoom the oblique photo.</p> <p>If the parcel centroid is outside the oblique photo area, either a flat map is shown or the page remains empty.</p> <hr/>  Pictometry Photos <hr/> <p>(Legacy Internet Explorer Viewer) Learn more</p> <hr/>  Bing Maps Photos	 Area Map  Area Map  Area Map
---	--	---

Parcel Number: 115-04-0810

Property Address

Street Number	Street Direction	Street Name	Location
1330	N	2ND AV	Tucson
1332	N	2ND AV	Tucson
1334	N	2ND AV	Tucson
1336	N	2ND AV	Tucson

Contact Information

Property Owner Information:	Property Description:
PANIAGUA ANTONIO PO BOX 40711 TUCSON AZ 85717-0711	FELDMANS AMENDED W89' OF LOTS 2 3 & 6 BLK 6

Valuation Data

Valuation Year	Property Class	Assessment Ratio	Land FCV	Imp FCV	Total FCV	Limited Value	Limited Assessed
2019	RES OTHER (4)	10.0	\$502	\$152,345	\$152,847	\$149,981	\$14,998
2020	RES OTHER (4)	10.0	\$502	\$160,111	\$160,613	\$157,480	\$15,748

Property Information

Township:	14.0	Section:	1	Range:	13.0E
Map:	2	Plat:	35	Block:	006
Tract:		Land Measure:	13,350.00F	Lot:	00002
Census Tract:	1400	File Id:	1	Group Code:	000
Use Code:	0345 (FOURPLEX - 1 STORY)			Date of Last Change:	10/31/2011

Sales Information (1)

Affidavit of Fee No.	Parcel Count	Sale Date	Property Type	Sale	Time Adjusted Sale	Cash	Validation
19992190813	1	11/1999	2-4 Plex	\$116,000	\$116,000	N	X JAC DEED: Warranty Deed

Valuation Area

District Supervisor: RICHARD ELIAS District No: 5

DOR Market	Land Subarea	Neighborhood	Sub ID	Economic District
6	1111044 DEL	13028	02035 DEL	13

Recording Information (3)

Sequence No.	Docket	Page	Date Recorded	Type
20140280328	0	0	1/28/2014	BTDEED
19992190813	11173	2298	11/15/1999	
0	4149	28	12/23/1971	

Commercial Characteristics

Property Appraiser: Conor Lemmon Phone: (520) 724-3003

Commercial Summary

Interface	Total Sq Ft	Cost Value	CCS Override	Market Override
Y	2,208	\$118,151	\$0	\$160,111

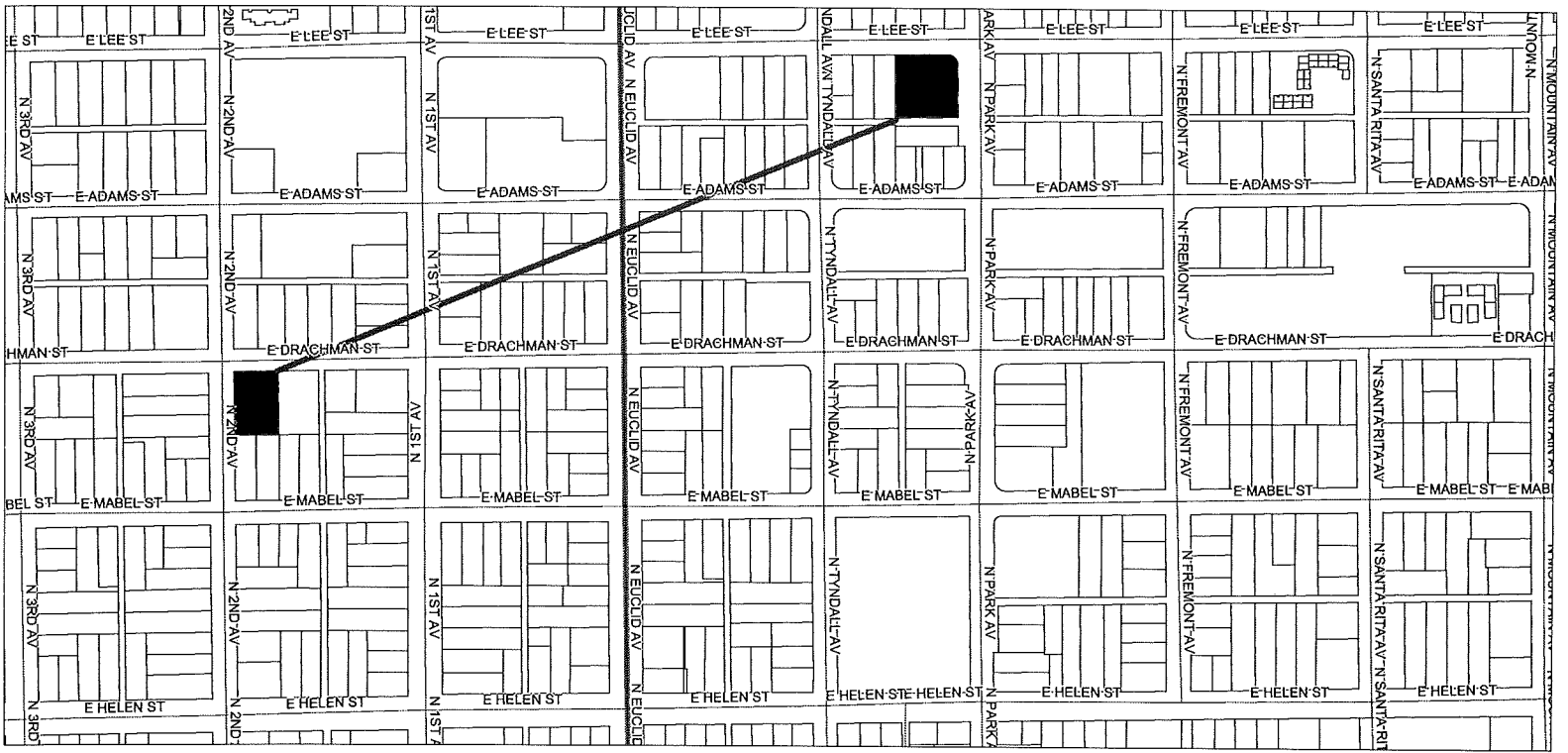
Commercial Detail

SEQ-SECT	Const Year	Model / Grade	IPR	Sq Ft	RCN	RCNLD	Model Description
001-001	1959	034/3	0000000	2,208	\$199,512	\$118,151	FOURPLEX

Notes (5)

Created: 6/20/2016 Modified: 6/20/2016	TRCNo 1608247: 2016 Adjustment for change in assessed Secured value(s) - includes 10% non-filer penalty
Created: 6/3/2015 Modified: 6/3/2015	TRCNo 1401968: 2014 ADD 10 PERCENT PENALTY TO ASSESSMENT
Created: 3/4/2014 Modified: 3/4/2014	SQ20140280328 BENEFICIARY DEED FROM ANTONIO PANIAGUA
Created: 5/25/2011 Modified: 5/25/2011	Field Check of UN_NORTHWEST. Photos of 4-plex in bookmap. Change use code from 0340 to 0345.
Created: 9/27/2005 Modified: 9/27/2005	old holds

ATTACHMENT 17



Line Lengths

Calculations are derived from GIS data and are estimated.
Accuracy is limited to that of the underlying GIS data.
All data is subject to this disclaimer.

Name	Feet	Miles
	1,582	0.30

ATTACHMENT 18

Query Response (Order 47413022)

THIS DOCUMENT IS A CERTIFIED DUPLICATE OF THE INFORMATION CONTAINED IN THE COMPUTER STORAGE DEVICES OF THE DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE DIVISION, IN ACCORDANCE WITH ARIZONA REVISED STATUTES SECTION 28-444.

License Number

Name RASHAD,,STOCKER

DOB 03161986

Query Time Frame

FOR PAST FIVE YEARS AS OF 04/11/2019

Restriction Type

ARIZONA RESTRICTED

Name	CLS	DOB	Customer Num	TID
RASHAD, JUVALL, STOCKER	D	03161986	D02159898	N

Exp Date	Issue Date	WGT	EY	HGT	HR	SEX
03162051	01122010	232	BR	600	BR	M

Physical Address:

2521 W VEREDA FELICIDAD TUCSON AZ 85746

Mailing Address:

Restrictions:

NONE

Endorsements:

NONE

Details:

NO ADDITIONAL LICENSES AND/OR PERMITS ON RECORD

CLASS	ST	ISSUE DATE	PREVIOUS LICENSE	EXP DATE	TID
I	AZ	04192005	D02159898	00000000	N
CLASS	ST	ISSUE DATE	PREVIOUS LICENSE	EXP DATE	TID
I	AZ	03102004	D02159898	00000000	N
D	AZ	03162007	D02159898	03162051	N
D	AZ	04262006	D02159898	03162051	N

ACT DATE VIOL CODE DESCRIPTION

06262014 28-924A REQUIRED HEAD LAMPS, OTHER THAN MOTORCYCLE
 PLEA OF GUILTY OR RESPONSIBLE; SENTENCE IMPOSED
 LOC: PIMA FINE: 275.00 CRT: 1041
 PLT#: AKP9181 AZ CHEV

09092014 CS ACTION SUSPENSION SATISFIED 09192014 00000000A20805687
 NOTIFICATION STATUS: MAILED 09092014

***** END OF RECORD *****

BOARD OF ADJUSTMENT CASE C10-19-13
1525 N. PARK AVENUE

EXHIBIT A

MEMORANDUM OF LEGAL PRINCIPALS

July 16, 2019

TO: BOARD OF ADJUSTMENT
RE: FRANTI III HOLDINGS, LLC,
SUBJECT: BOARD OF ADJUSTMENT APPEAL

A. LACHES

In Arizona, the establishment of City Boards of Adjustment is mandated by statute; appeals to Boards must be pursued within a “reasonable time.” A.R.S. §9-462.06(D). In turn, the Tucson City Code generally contemplates that challenges to the Board of Adjustment be made before the actual development of Property. See Tucson Code § 23A-61(8) (Permits and approvals shall not be issued pending Board review.)

Arizona recognizes the doctrine of laches; the two elements of laches are (1) lack of diligence on the part of the plaintiff and (2) injury to the defendant. *Meyer v. Warner*, 104 Ariz. 44, 448 P.2d 394 (1968) (delay of 16 months in challenging lease renewal constituted laches). See also, *Fin. Associates, Inc. v. R & R Realty Co.*, 25 Ariz. App. 530, 531, 544 P.2d 1131, 1132 (1976); *Weller v. Weller*, 14 Ariz. App. 42, 480 P.2d 379 (1971).

Laches is applicable to zoning cases. "Courts have allowed the defense of laches when raised against a private person or association." 4 Rathkopf's The Law of Zoning and Planning § 65:27 (4th ed.), citing *Save Our Wetlands, Inc. (SOWL) v. U.S. Army Corps of Engineers*, 549 F.2d 1021, 9 Env't. Rep. Cas. (BNA) 2026, 7 Env'tl. L. Rep. 20353 (5th Cir. 1977); *Richards v. Ferguson*, 252 Ark. 484, 479 S.W.2d 852 (1972).

An especially relevant example of laches in the zoning context occurred in *Gota v. District of Columbia Board of Adjustment*, 423 A.2d 917 (D.D.C. 1980). In that case, the court held that an appeal to a board of adjustment was technically within the time permitted following a final determination by zoning officials. However, the Court held that the appeal was barred by Laches because of the appellant's delay in raising its challenge for roughly nine months following oral notice of the zoning official's decision. In reaching this decision, the Court first held that the appellant unreasonably delayed seeking relief for several months before seeking a written decision after having knowledge of the zoning official's determination.

The critical period was from June 1975 to March 1976. Hinton and Gottesman were aware of [the zoning official] Dripps' ruling by June 1975. The record reveals no reason why they waited until November 1975 to discuss that decision with Dripps. That unexcused delay of five months was compounded by an additional two months during which they requested (the record does not show when) and received a written decision.

There is no record indication that bureaucratic delay was responsible for the two-month lag between the meeting on November 18, 1975, and the written decision of January 6, 1976. Finally, the delay of still another two months between that letter decision and the filing of the appeal on March 4, 1976, adds to the unreasonableness of the timing of [the appellate] CAG's action. Accordingly, although we have held that the appeal was timely filed, see Part II.C. *supra*, we cannot agree with the Board's conclusion that "the appellants have diligently objected to the kiln" During the nine months between their discovery of Dripps' decision and the filing of the appeal, Gottesman and CAG had knowledge of their rights and an opportunity promptly to assert them.

423 A.2d at 925.

The Court also recognized that the "principal element in applying the doctrine of laches is the resulting prejudice to the defendant, rather than the delay itself." 423 A.2d at 925.

The second element of the laches equation is prejudice to [landowner] Goto resulting from the delay. See *American University Park Citizens Association*, *supra* at 740. As the Board itself found, Goto spent approximately \$2,000 of the \$5,000 to build the kiln after Osborg, see note 2 *supra*, told her in April 1975 that no permit was required. She also expended time and money seeking a natural gas hookup at a hearing before the Public Service Commission. See note 3 *supra*. Essentially, therefore, the neighbors stood by and watched Goto spend time and money months before pressing their objections before the BZA.

423 A 2d at 925-26.

This result is consistent with general law. Rathkoff § 65:25 ("When a zoning ordinance provision is sought to be enforced against a landowner, a

defense that may be raised is that of laches. Laches is a species of estoppel, consisting of an omission to assert a right for an unreasonable length of time, without satisfactory explanation for the delay under circumstances prejudicial to the party asserting the claim for laches.”); 4 Rathkopf’s *The Law of Zoning and Planning* § 65:32 (4th ed.); *Herr v. Salt Lake County*, 525 P.2d 728, 729 (Utah 1974); *Woodley Park Community Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 490 A.2d 628, 637 (D.C.Ct.App.1985) (holding board of zoning adjustment lacked jurisdiction to consider appeal not timely filed).

B. ESTOPPEL

Estoppel is “an age old principle of equity.” *First National Bank of Portland v. Dudley*, 231 F.2d 396, 400 (9th Cir. 1956). It has been characterized as “a principle of equity jurisprudence” that represents “basic precepts of common honesty, ordinary fairness and good conscience, in dealing with the rights of those whose conduct has been prompted by reasonable good faith reliance upon the knowing acts or omissions of others.” *Id.* at 401 (*citing, inter alia*, Pomeroy, *Equity Jurisprudence* 189-192, sections 804-805 (5th ed. 1941); *Weiner v. Romley*, 94 Ariz. 40, 43, 381 P.2d 581, 583 (1963) (“the effect of the voluntary conduct of a party, whereby he is absolutely precluded from asserting rights which might have otherwise existed as against another person

who, in good faith, has relied upon such conduct and has been led thereby to change his position for the worse.”)

In the context of zoning, the “basic formulation of estoppel elements states that a local government exercising its zoning powers will be estopped when a property owner (1) relying in good faith, (2) upon some act or omission of the government, (3) has made such extensive obligations and incurred such extensive expenses that it would be highly inequitable and unjust to destroy the rights which the owner has ostensibly acquired.” 4 Rathkopf’s *The Law of Zoning and Planning* § 65:29 (4th ed.) Similarly, in certain situations, when a municipality is estopped, so too is an adjoining landowner. Since a building inspector and a municipality would be estopped from commencing an action to compel removal of a structure that allegedly violates the zoning ordinance so, too, would an adjoining owner. 4 Rathkopf’s *The Law of Zoning and Planning* § 65:32 (4th ed.); see also, *Trenkamp v. Burlington Tp.*, 170 N.J. Super. 251, 406 A.2d 218 (1979) (municipality and adjoining owners estopped from asserting the invalidity of a zoning amendment permitting an apartment house after the owner of the land had secured a foundation permit and expended \$64,000 in reliance thereon).

C. STANDARD OF REVIEW

Even if the instant appeal is not barred by laches or estoppel, the law imposes a heavy burden to overturn the decision of the zoning administration. Zoning ordinances are in derogation of common law property rights and, if ambiguous or uncertain, will be strictly construed in favor of property owners. *Outdoor Systems, Inc. v. City of Mesa*, 169 Ariz. 301, 819 P.2d 44 (1991); *County of Cochise v. Faria*, 221 Ariz. 619, 212 P.3d 957 (App. 2009) (statutes granting zoning authority to local governments and zoning ordinances enacted pursuant to that authority will be strictly construed in favor of property owners); *City of Scottsdale v. Scottsdale Associated Merchants, Inc.*, 120 Ariz. 4, 583 P.2d 891 (1978).

For this reason, great weight must be given to the construction of a zoning ordinance by the officials charged with the duty of enforcing it. *Desert Outdoor Advertising, Inc. v. City of Oakland*, 506 F.3d 796 (9th Cir. 2007) (in evaluating a facial challenge to the constitutionality of an ordinance, the court must consider the local government's authoritative constructions of the ordinance, including its own implementation and interpretation of it); *Kubby v. Hammond*, 68 Ariz. 17, 198 P.2d 134 (1948) (great weight should be given to contemporaneous construction of ordinance by officials charged with duty of enforcing it); *Scenic Arizona v. City of Phoenix Bd. of Adjustment*, 228 Ariz.

419, 268 P.3d 370 (App. 2011) (deference should be given to agencies charged with the responsibility of carrying out specific legislation, and ordinarily an agency's long-standing interpretation of a statute or regulation it implements is given great weight).

D. Standing

Under the relevant Arizona statute, A.R.S. §9-462.06(D), an appeal to the "board of adjustment may be taken by persons aggrieved" or an officer or department of the City of Tucson. The right of a private party to challenge a zoning decision is commonly referred to in the law as "standing."

To be aggrieved and, in turn, to have standing, a person must be the owner or occupant of adjacent or nearby property and must also suffer some harm or "special damage" different than the general impact of the zoning decision on other properties or the public generally. *Perper v. Pima County*, 123 Ariz. 439, 441, 600 P.2d 52, 54 (App. 1979) ("To be aggrieved, [a party] must have sustained damage particular to himself."); *Tate v. Stephens*, 245 Ga. 519, 265 S.E.2d 811, 812 (1980) (special damages will generally not be found unless the party alleging standing has property adjacent or in very close proximity to the relevant property)

First, proximity is vitally important because "proximity makes it sufficiently likely that traffic, litter, drainage, and noise from the project will

significantly affect” the closer property, but not the property located further away.¹ *Blanchard v. Show Low Planning & Zoning Comm’n*, 196 Ariz. 114, 117, 993 P.2d 1078, 1082 (App. 1999) For example, in *Blanchard v. Show Low Planning & Zoning Comm’n*, the owner of a parcel located in very close to the subject property was found to have standing, but the owner of property located 1,875 feet from the rezoning parcel was held not to have standing. See also, *Armory Park Neighborhood Ass’n v. Episcopal Cmty. Servs. in Ariz.*, 148 Ariz. 1, 5, 712 P.2d 914, 918 (1985) (nearby residents had standing “because the acts allegedly affected the residents’ use and enjoyment of their real property [directly], a damage special in nature and different in kind from that experienced by the residents of the city in general”). The proximity requirement is implicitly recognized by A.R.S. §9-462.06(K), which deals with appeals from the Board of Adjustment to the Superior Court. That provision permits such an appeal, inter alia, by a person “who owns or leases the adjacent property of a property within three hundred feet from the boundary of the immediately adjacent property”.

¹ Legal decisions have also noted that limiting standing to owns or residents of nearby properties avoids intermeddling by remote parties. *Belhaven Improvement Association, Inc. v. City of Jackson*, 507 So.2d 41, 47 (Miss. 1987) (membership in Association challenging zoning issue “should be limited to residents and property owners which avoid intermingling and disproportionate representation.”)

Second, the special harm requirement is not satisfied by allegations or proof of mere aesthetic, environmental or similar concerns. *Perper v. Pima County*, 123 Ariz. 439, 440, 600 P.2d 52, 53 (1979) (alleged general harm such as the assertion that the use of property will decrease property values in the area, increase traffic, and destroy the residential atmosphere and general scenery are insufficient as a matter of law); *Blanchard*, 196 Ariz. at 118, 993 P.2d at 1082. *Village of Franklin v. City of Southfield*, 101 Mich. App. 554, 557, 300 N.W.2d 634, 637 (1980) (the requirement of special damages is not satisfied by allegations of a “mere increase in traffic by” or “proof of general economic and aesthetic loss”); *Kentallen, Inc. v. Town of Hillsborough*, 431 S.E.2d 231, 233 (N.C. App. 1993) (“evidence presented before the board that the [result of the zoning decision] would increase ‘[t]he negative impact’ on petitioner’s property and would not be visually attractive is much to general . . .”).

Even more important, special harm is not established by allegations based on a civic interest in the strict application or enforcement of zoning regulations. *Owens v. Board of Appeals*, 418 N.E.2d 635 (Mass. App. 1981) (owners of properties lying “some distance” from proposed condominium project lacked standing because they had only a “general civic interest in the enforcement of the zoning ordinance.”); *Harvard Where Defense Fund, Inc. v. Planning Board of Cambridge*, 540 N.E.2d 182 (Mass. App. 1989) (“a general civic interest in the enforcement of zoning laws . . . is not enough to confer standing.”)